



MIAMI BEACH

City Commission Meeting SUPPLEMENTAL MATERIAL 1

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
June 6, 2012

Mayor Matti Herrera Bower
Vice-Mayor Jerry Libbin
Commissioner Jorge R. Exposito
Commissioner Michael Góngora
Commissioner Edward L. Tobin
Commissioner Deede Weithorn
Commissioner Jonah Wolfson

City Manager Jorge M. Gonzalez
City Attorney Jose Smith
City Clerk Rafael E. Granado

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

SUPPLEMENTAL AGENDA

C7 - Resolutions

C7G A Resolution To Exercise The First Renewal Option With Paper Solutions, Inc. (D/B/A Partek Solutions), And Print Media Corporation, Pursuant To Invitation To Bid (ITB) No. 27-09/10, For The Purchase And Delivery Of Multi-Space Parking Pay Station Receipt Paper, In The Estimated Annual Amount Of \$75,000.
(Parking Department)
(Resolution)

C7H A Resolution Accepting The Recommendation Of The City Manager To Reject All Proposals Received Pursuant To Request For Proposals No. 23-11/12 To Provide Security Guard Services (The RFP) And, In The Alternative, Retroactively Approving The Third Renewal Term Of Security Alliance's Current Contract For Security Guard Services, Dated April 2, 2007, With Such Third Renewal Term Being Effective As Of May 1, 2012, To April 30, 2013; And Further Authorizing The Issuance Of A New Request For Proposals (RFP) For Security Guard Services.

(Parking/Police/Procurement)
(Memorandum & Resolution)

C7 - Resolutions (Continued)

- C7J A Resolution Authorizing The City Manager Or His Designee And City Clerk To Execute A Vehicle Purchase And Sales Agreement Between The City Of Miami Beach, On Behalf Of The Miami Beach Police Department, And Brink's, Inc. For The Purchase Of An Armored Vehicle In The Amount Of \$10.00; Further Establishing An Amount Of \$10,664 For The Conversion Of The Armored Vehicle, And Setting Forth The Annual Expense Of \$4,235 For The Maintenance Of The Armored Vehicle; And Directing The Fleet Department To Acknowledge The Inclusion Of The Armored Vehicle Within The City Of Miami Beach's Fleet Of Vehicles.

(Police Department/Fleet Management)

(Memorandum & Resolution)

- C7P A Resolution Authorizing The Acceptance Of \$1,250 Of Sponsorships Support Of The City's Community Development Week Activities, And Further Accepting Future Sponsorships For This Purpose, Subject To Ratification By The Mayor And City Commission; And Authorizing The City Manager Or His Designee To Make Such Expenditures And/Or Reimbursements From The Aforestated Sponsorship, In Furtherance Of And Consistent With The Aforestated Event.

(Real Estate, Housing & Community Development)

(Resolution)

- C7T A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee And Approving The Substantive Terms Of A Proposed Lease Agreement Between The City Of Miami Beach And Temporary Entertainment, LLC, As Set Forth In The Draft Agreement Attached As Exhibit "A" Hereto, For The Presentation Of "Orchid," A Live Theatrical And Musical Performance Within A Spiegeltent, And The Installation Of Ancillary Food And Beverage Services And Entertainment Areas, All To Be Located At The Collins Park Spoil Area Between 21st And 22nd Streets, Further Authorizing The City Manager To Negotiate The Final Lease Agreement With Temporary Entertainment LLC, And, If Successful, Approving And Authorizing The Mayor And City Clerk To Execute The Agreement, Subject To And Contingent Upon The Following Conditions: 1) The Final Version Of The Lease Shall Be Subject To Review And Sign Off By The City Attorney; And 2) In The Event That The City And Temporary Entertainment, LLC Deem It Necessary To Include Any Substantive Terms Which Are Not Included In The Attached Draft Agreement, Then, Prior To Finalizing The Lease, The City Manager Shall Be Required To Bring The Agreement Back To The City Commission; Further Incorporating The Neighborhoods And Community Affairs Committee's Additional Conditions And Recommendations As Also Set Forth Herein.

(Tourism & Cultural Development)

(Resolution)

R7 - Resolutions

R7E Resolutions Authorizing Agreements With Various External Entities To Assist The City In Implementing The Action Plan To Address Potential Corruption And Misconduct:

1. A Resolution Approving And Authorizing The City Manager And City Clerk To Execute A Memorandum Of Understanding Between The City, On Behalf Of Its Police Department, And The Federal Bureau Of Investigation, Miami Area Corruption Task Force, For The Purpose Of Identifying And Prosecuting Public Officials And Law Enforcement Officers At The Federal, State, And Local Levels Of Government Involved In Public Corruption Throughout The Southern District Of Florida.
2. A Resolution Approving And Authorizing The City Manager And City Attorney To Negotiate An Agreement With Miami-Dade County, On Behalf Of The Miami-Dade County Office Of The Inspector General (MDCOIG), To Authorize The MDCOIG To Provide Independent Investigations Into City Practices And Operations In Order To Prevent And Detect Fraud, Waste, Financial Mismanagement, Employee Misconduct, Or Other Abuses.
3. A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Agreement In The Not To Exceed Amount Of \$45,000, With Miami-Dade County, Florida, On Behalf Of The Miami-Dade County Commission On Ethics And Public Trust, To Develop And Provide A Comprehensive Ethics Training Program For City Employees Who Hold Positions That Are In Regulatory Areas Of The City.
4. A Resolution Authorizing The Administration To Negotiate A Professional Services Agreement, In An Amount Not To Exceed \$150,000, With _____ For Services Related To Auditing The Processes Of Certain Regulatory Departments Or Divisions; And Should The Administration Not Be Able To Successfully Negotiate An Agreement With _____, Authorizing The Administration To Enter Into Negotiations With _____; Authorizing The Mayor And City Clerk To Execute An Agreement With The Successful Proposer Upon Completion Of Negotiations By The Administration.

(Police/Building/Human Resources)

(Deferred from May 9, 2012/Referred to FCWPC)

(Memorandum & Resolutions)

R7F A Resolution Authorizing, By 5/7th Vote, The Waiver Of Competitive Bidding, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The City Attorney To Negotiate A Professional Services Agreement With A Qualified Recruitment Firm(s) To Assist The Mayor And City Commission In The City Manager Selection/Hiring Process; Further Appropriating An Amount Not To Exceed \$25,000.00 For Such Agreement(s) With The Successful Firm(s), Once Negotiated And Executed, And To Cover Miscellaneous Expenses Related To The Process.

(City Attorney's Office/Procurement)

(Memorandum & Resolution)

R7G A Resolution Authorizing And Approving A Month To Month Extension Of The Existing Towing Permits With Beach Towing Services, Inc. And Tremont Towing Services, Inc., Respectively; Said Extension Commencing On July 1, 2012, And Expiring On December 31, 2012.

(Parking Department)

(Resolution)

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, TO EXERCISE THE FIRST RENEWAL OPTION WITH PAPER SOLUTIONS, INC. (D/B/A PARTEK SOLUTIONS), AND PRINT MEDIA CORPORATION, PURSUANT TO INVITATION TO BID (ITB) NO. 27-09/10, FOR THE PURCHASE AND DELIVERY OF MULTI-SPACE PARKING PAY STATION RECEIPT PAPER, IN THE ESTIMATED ANNUAL AMOUNT OF \$75,000.

WHEREAS, Invitation to Bid No. 27-09/10 (the "Bid") was issued on March 15, 2010 to establish a contract(s), by means of sealed bids, for the supply and delivery of multi-space parking pay station receipt paper, on an as needed basis, from a source(s) of supply that will give prompt and efficient service; and

WHEREAS, on June 9, 2010, the City Commission approved the award of contracts to Paper Solutions Inc. (D/B/A ParTek Solutions) and Print Media Corporation; and

WHEREAS, the contract(s) were to remain in effect for two (2) years commencing on June 24, 2010, with the option to be extended for an additional two (2) years, on a year to year basis, upon mutual agreement; and

WHEREAS, at this time the Administration would like to exercise its first one (1) year renewal option.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby renew the contracts to Paper Solutions D/B/A ParTek Solutions and Print Media, Inc. pursuant to Invitation to Bid (ITB) No. 27-09/10, in the estimated annual amount of \$75,000.

PASSED and ADOPTED this 6th day of June, 2012.

ATTEST:

Rafael Granado, City Clerk

Matti Herrera Bower, Mayor

JMG/JGG/SF/rar

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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

5-30-12

Date

Agenda Item C7G
Date 6-6-12

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Condensed Title:

A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Accepting The Recommendation Of The City Manager To Reject All Proposals Pursuant To Request For Proposals No. 23-11/12 To Provide Security Guard Services (The RFP) And, In The Alternative, Retroactively Approving The Third Renewal Term Of Security Alliance's Current Contract For Security Guard Services, Dated April 2, 2007, With Such Third Renewal Term Being Effective As Of May 1, 2012, To April 30, 2013; And Further Authorizing The Issuance Of A New Request For Proposals For Security Guard Services.

Key Intended Outcome Supported:

Maintain crime rates at or below national trends

Supporting Data (Surveys, Environmental Scan, etc.): According to the 2009 Strategic Plan, 90% of the residents responded that they feel very safe or somewhat safe in their neighborhoods during the night.

Issue:

Whether the City Commission should reject the RFP and exercise the existing renewal term under the current contract?

Item Summary/Recommendation:

RFP No. 23-11/12 was issued on January 30, 2012, with a bid opening date of March 2, 2012; ten (10) proposals were received.

A motion (which was unanimous) was made by the Evaluation Committee to recommend that the Administration enter into negotiations with the Committee's top-ranked proposer, Security Alliance; and should the negotiations be unsuccessful, that it negotiate with the second ranked proposer, Allied Barton.

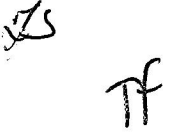
After considering the review and recommendation of the Committee, as well as reviewing the Administration's analysis with regard to the City's options (i.e., accept a proposal vs. negotiation of a third renewal term under the current agreement and reject all proposals), the City Manager has exercised his due diligence and recommends that it would be in the City's best interest to authorize the Administration to exercise the third (and last) one year renewal term under the current agreement (which is with Security Alliance); limit the adjustment of the bill rate to a straight dollar to dollar (plus FICA/MICA) for the proposed living wage adjustment; and reissue a new RFP.

Reject all proposals and exercise third renewal option under current contract and authorize reissuance of RFP

Advisory Board Recommendation:

The Finance and Citywide Projects Committee, at its January 27, 2011 meeting, retroactively approved the first-year renewal of Security Alliance's contract, from May 1, 2010 to April 30, 2011, and prospectively approved the second-year renewal of Security Alliance's contract, from May 1, 2011 to April 30, 2012. The Committee further authorized the issuance of the Request for Proposals (RFP) for security guard services.



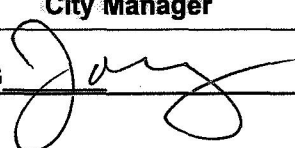
Financial Information:

Source of Funds:		Amount	Account
 OBPI	1	\$423,756.00	Parking Garages 480-0463-000349
		\$58,940.00	Parking-7th Street Garage 142-6976-000349
		\$69,775.00	Parking-Anchorage 463-1990-000349
		\$10,291.00	Parking-Pennsylvania Ave. 467-1996-000349
	2	\$227,226.50	Police- City Hall, Boardwalk, Flamingo Park, North Shore Youth Center, Normandy Shore Pool, North Shore Open Space, North Beach Rec. Corridor 011.1120.000349
		\$107,307.00	RDA-South Pointe 011.1122.000349
		\$199,578.27	RDA-City Center 168.1124.000349
		\$ 3,328.83	Contribution Security Guard-Sanitation 178.6885.000343
	Total	\$1,100,202.50	TOTAL FY 2011/2012 (June-September 2012)

City Clerk's Office Legislative Tracking:

Raul Aguila

Sign-Offs:

Department Director	Assistant City Manager	City Manager
RA SF RM 	JGG PDW 	JMG 



MIAMIBEACH

AGENDA ITEM

C7H

DATE

6-6-12



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: June 6, 2012

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER TO REJECT ALL PROPOSALS RECEIVED PURSUANT TO REQUEST FOR PROPOSALS NO. 23-11/12 TO PROVIDE SECURITY GUARD SERVICES (THE RFP) AND, IN THE ALTERNATIVE, RETROACTIVELY APPROVING THE THIRD RENEWAL TERM OF SECURITY ALLIANCE'S CURRENT CONTRACT FOR SECURITY GUARD SERVICES, DATED APRIL 2, 2007, WITH SUCH THIRD RENEWAL TERM BEING EFFECTIVE AS OF MAY 1, 2012, TO APRIL 30, 2013; AND FURTHER AUTHORIZING THE ISSUANCE OF A NEW REQUEST FOR PROPOSALS (RFP) FOR SECURITY GUARD SERVICES.**

ADMINISTRATIVE RECOMMENDATION

Reject all proposals and exercise third renewal option under current contract and authorize reissuance of RFP.

BACKGROUND

Contract No. 34-05/06, to provide Unarmed Security Guard Services, was awarded to Security Alliance LLC (Security Alliance) on April 2, 2007, with an initial term of three (3) years, and three (3) one-year renewal options (the Current Agreement). The initial term of the Current Agreement commenced on May 1, 2007, and expired on April 30, 2010. The Current Agreement was renewed for two additional one-year terms, which expired on April 30, 2012. At the City's sole option and discretion, the Current Agreement may be renewed for one (1) additional one-year term, through April 30, 2013.

At its March 9, 2011 meeting, and concurrent with its discussion to exercise the first and second renewal options under the Current Agreement, the Mayor and City Commission also approved the Finance and Citywide Projects Committee's recommendation to issue a new Request for Proposals (RFP) for the aforesaid security guard services, at least six (6) months prior to the expiration of the Current Agreement.

At its September 26, 2011 meeting, the Finance and Citywide Projects Committee discussed an investigation that involved Security Alliance and "Rooms To Go" employees. After being briefed by the City Attorney's Office, the Committee's recommendation was to issue a new RFP immediately. Subsequently, the item to approve the issuance of an RFP for security guard services was presented to the City Commission at its October 19, 2011 meeting, at which time it was again referred to the Finance and Citywide Projects Committee. At its December 6, 2011 meeting, the Committee recommended that the Administration proceed to issue the new RFP, but that the results of the new RFP process be compared with the Current Agreement, and to determine whether it was in the City's best interest to award a new contract or exercise the last renewal term from under the Current Agreement.

RFP PROCESS

On January 11, 2012, the Mayor and City Commission authorized the issuance of Request for Proposals (RFP) No. 23-11/12 for Security Guard Services. RFP No. 23-11/12 was issued on January 30, 2012, with a bid opening date of March 2, 2012.

Ten (10) proposals were received from the following contractors (See also attached Tabulation, Appendix A):

1. Kent Security, Inc.;
2. Florida Patrol Investigators, Inc. d/b/a FPI Security Services;
3. USI Security, Inc.;
4. U.S. Security;
5. Allied Barton Security Services (Allied Barton);
6. Responsible Security Inc.;
7. G4S Secure Solutions;
8. SMI – Security Management Innovations, Inc.;
9. SMI – Security Management, Inc.; and
10. Security Alliance, LLC (Security Alliance).

The City Manager, via Letter to Commission (LTC) No. 082-2012, dated March 20, 2012, appointed an Evaluation Committee ("the Committee") consisting of the following individuals:

- Lt. Eduardo Yero, Community Affairs Unit and Contracts Administrator, Police Department;
- Rocio Alba, Financial Analyst III, Parking Department;
- Gabriel J. Paez, Miami Beach Resident, Citizens Police Academy Graduate and Alumni ;
- Nick Pietrocarlo, Miami Beach Resident, Citizens Police Academy Graduate and Alumni (Chair);
- Cornelius O'Regan, Police Support Services, Police Department; and
- Carol Lang, Miami Beach Resident, Co-Treasurer of the Citizens Police Academy.

On April 2, 2012, the Committee convened to shortlist proposers. Gabriel Paez was unable to attend.

The following Evaluation Criteria was used to evaluate and rank the proposals received in response to the RFP:

1. The experience and qualifications of the Contractor (35 points);
2. The experience and qualifications of the Management Team (20 points).
3. Past performance based on number and quality of the Performance Evaluation Surveys (10 points); and
4. Financial strength as evidenced by financial statements (10 points);
5. Total cost (25 points)

Additional Points, over the aforementioned potential 100 points were allocated, as appropriate:

- Local Preference: An additional five (5) points would be assigned to Proposers, which are, or include as part of their proposal team, a Miami Beach-based vendor as defined in the City's Local Preference Ordinance.

- **Veterans Preference:** An additional five (5) points would be assigned to Proposers, which are, or include as part of their proposal team, a small business concern owned and controlled by a veteran(s) or a service-disabled veteran business enterprise, as defined in the City's Veterans Preference Ordinance.

Accordingly, an additional five (5) points were automatically added to Security Alliance LLC and SMI Security Management, Inc. for having local offices within the City. Please note that these points are already accounted for in the ranking of firms table presented in page 4.

The Committee unanimously ranked and short-listed the following four (4) proposers and invited them to return for interviews (See Appendix B-Scoring Sheet):

1. Allied Barton;
2. Security Alliance;
3. G4S Secure Solutions; and
4. Kent Security.

During the Committee meeting, the Committee raised issues pursuant to an email sent to the members by SEIU (See Appendix C). The Committee liaison from the Procurement Division advised the Committee that she would follow up on the issues raised in the letter, and provide a subsequent response to the Committee.

A motion was also made to have the following information available prior to the next Committee Meeting:

- Follow up on the issues raised in the letter provided by SEIU on 4/2/12; and
- Identify which short-listed companies have union bargaining agreements.

On April 9, 2012, the Committee members were provided with staff's e-mail response to SEIU's 4/2/12 letter (See Appendix D). As to its second question, three (3) of the four (4) short-listed proposers confirmed existing union bargaining agreements (i.e. Kent Security was the only contractor without a union bargaining agreement).

On April 16, 2012, the Committee reconvened to listen to 10-minute presentations from each short-listed proposer, followed by a 20-minute Question and Answer (Q&A) session.

At the conclusion of the last proposer's Q&A session, the Committee members scored and ranked the proposers. A motion (which was unanimous) was made to recommend that the Administration enter into negotiations with the Committee's top-ranked proposer, Security Alliance; and should the negotiations be unsuccessful, that it negotiate with the second ranked proposer, Allied Barton. The Committee's final rankings are as follows:

FINAL RANKINGS

PROPOSER	Nick Pietrocarlo	Carol Lang	Gabriel Paez	Rocio Alba	Lt. Ed. Yero	Tim O'Regan	LOW AGGREGATE TOTALS
SECURITY ALLIANCE	93 (1)	105 (1)	98 (1)	92 (2)	97 (1)	104 (1)	(7) 1
ALLIED BARTON	88 (2)	100 (2)	80 (2)	93 (1)	89 (3)	85 (2)	(12) 2
KENT SECURITY	70 (4)	80 (4)	78 (3)	91 (3)	96 (2)	65 (4)	(20) 3
G4S SECURITY	80 (3)	90 (3)	68 (4)	90 (4)	83 (4)	75 (3)	(21) 4

When tabulating the costs, Security Alliance came in at \$239,000 more than the lowest proposal received, and Allied Barton came in at \$205,000 more than the lowest proposal received (See Appendix A).

The following provides a review of the two (2) lowest proposals received:

RESPONSIBLE SECURITY INC.

Responsible Security Inc. (Responsible) was the lowest proposal received. The following are the bill rates proposed:

	I. UNARMED GUARDS - 130,000 HRS/YR		II. SUPERVISORS - 30,000 HRS/YR		GRAND TOTAL
	Bill Rate/hour	Total	Bill Rate/hour	Total	
Responsible Security Proposed Rates	\$ 17.50	\$2,275,000.00	\$ 17.50	\$525,000.00	\$ 2,800,000.00

The Evaluation Committee discussed Responsible's qualifications and experience and concluded that the firm was too small to handle the contract. References listed by Responsible include Galt Tower Condominium, Congas Night Club, ATI Career Training Center and City of Boca Raton, where they have one (1) guard staffed.

If the City were to exercise the Current Agreement's one (1) year renewal term with Security Alliance, the difference in cost would represent \$149,300 less.

FPI SECURITY SERVICES

FPI Security Services (FPI) was the second lowest proposal received. The following are the bill rates proposed:

	I. UNARMED GUARDS - 130,000 HRS/YR		II. SUPERVISORS - 30,000 HRS/YR		GRAND TOTAL
	Bill Rate/hour	Total	Bill Rate/hour	Total	
FPI Security Services Proposed Rates	\$ 18.45	\$2,398,500.00	\$ 18.45	\$553,500.00	\$ 2,952,000.00

The Evaluation Committee discussed FPI's qualifications and experience and concluded that the firm had listed clients that were smaller in size and contract. A concern was the same value in billing rate for the unarmed guards and supervisors. References listed by FPI include Blue Lagoon Condo, Continucare MDHC, Fisherman's Boat Group, Philips International Holding Corp. (A retail mall and largest contract listed with 1300 hours weekly) and Silver Lakes Community Association.

FPI was the fifth ranked proposer at the April 2, 2012 Committee Meeting. If the City were to exercise the Current Agreement's one (1) year renewal term with Security Alliance, the difference in cost would represent \$2,700 more annually.

ANALYSIS

An analysis of the two (2) options follows:

A. Renewal Option

In issuing the new RFP, the Mayor and City Commission also directed staff to compare the results of the new RFP process, to the Current Agreement, in order to determine whether it would be in the City's best interest to either authorize the negotiations and, if successful, award a new contract pursuant to the new RFP, or to reject proposals and renew the Current Agreement for one additional year.

B. RFP Proposed Rates

The following provides a brief history and review of the two (2) recommended proposers:

1. SECURITY ALLIANCE

Security Alliance was founded in 2001 by former US Marine and current President, David Ramirez. Security Alliance has successfully provided unarmed guard services to the City of Miami Beach since April 2007. Security Alliance has a Miami Beach office located at 1234 Washington Avenue. This strategically selected office location, and the personnel assigned there, are dedicated to the services for the City of Miami Beach. The operation is active twenty-four (24) hours per day, seven (7) days per week, year round. In 2010, Security Alliance willingly completed a collective bargaining process with the SEIU (Local 32BJ) allowing its employees to organize to protect themselves with the aid of Union representation. Security Alliance has certified that it will pay the living wage rates and offer domestic partner benefits to its employees.

Security Alliance has recently completed its certification process for becoming an environmentally friendly company. As of December 2011, Security Alliance is certified through the ISO 14001:2004 program for implementing an Environmental Management System. Security Alliance is a Pillar Member of the Miami Beach Chamber of Commerce and has been a Gold or Silver Sponsor of the fund raising golf tournament of the Chamber each of the last four years. Security Alliance also recently donated to a fund raising campaign for the Miami Beach Chamber benefiting Education. In addition, Security Alliance has developed a relationship with a local Miami Beach bicycle shop for the regular maintenance of these bicycles, which are subject to tremendous wear and tear on a daily basis.

	I. UNARMED GUARDS - 130,000 HRS/YR		II. SUPERVISORS - 30,000 HRS/YR		GRAND TOTAL
	<u>Bill Rate/hour</u>	<u>Total</u>	<u>Bill Rate/hour</u>	<u>Total</u>	
Security Alliance Proposed Rates	\$ 18.65	\$2,424,500.00	\$ 20.50	\$615,000.00	\$ 3,039,500.00

2. ALLIED BARTON

Allied Security was founded in 1957 in Pittsburgh, PA, as a provider of uniform security services, and by 2000, Allied Security grew to 60 offices across the country with over 9,000 employees. In August 2004, Allied Security acquired Atlanta-based Barton Protective Services, forming Allied Barton Security Services. Allied Barton's network consists of over 53,000 employees, serving more than 3000 clients. Allied Barton employs more than 2000 security officers in the South Florida tri-county area. They deliver 30,000 man-hours of security service in the Miami-Dade County area. Allied Barton has local Miami-Dade Dispatch Center which provides a complete 24/7 dispatch capability. They have two Service Assurance Centers that operate 24 hours a day, 7 days a week, 365 days per year and are available through a toll free number at 866-703-7666. Allied Barton also has two 24/7 national call centers providing redundancy in emergency situations.

Other county and city contracts are: Miami-Dade County; Hillsborough County, Broward County (Port Everglades and Fort Lauderdale International Airport); the Government of the District of Columbia, Bexar and Harris County in Texas; the counties of San Bernardino, San Diego and San Mateo in California; Clark County, Nevada; and Charlotte/Mecklenburg County in North Carolina.

Allied Barton has been named to Training Magazines Top 125 Training Companies for six consecutive years. They will create an on-the-job training checklist and a City of Miami Beach-specific exam that their security staff will have to pass in order to be posted and remain at the site to ensure that their officers live up to the City's requirements and expectations. Allied Barton has certified that it will pay the living Wage rates and offer domestic partner benefits to its employees.

	I. UNARMED GUARDS - 130,000 HRS/YR		II. SUPERVISORS - 30,000 HRS/YR		GRAND TOTAL
	Bill Rate/hour	Total	Bill Rate/hour	Total	
Allied Barton Proposed Rates	\$ 18.53	\$ 2,408,900.00	\$ 19.87	\$ 596,000.00	\$ 3,005,000.00

The following chart compares the billing rates proposed by Security Alliance in its response to the new RFP, and latest rates (for FY 2012) under the Current Agreement:

	I. UNARMED GUARDS - 130,000 HRS/YR		II. SUPERVISORS - 30,000 HRS/YR		GRAND TOTAL
	Bill Rate/hour	Total	Bill Rate/hour	Total	
Security Alliance Proposed Rates	\$ 18.65	\$ 2,424,500.00	\$ 20.50	\$ 615,000.00	\$ 3,039,500.00
Security Alliance Current Rates	\$ 18.00	\$ 2,340,000.00	\$ 18.00	\$ 540,000.00	\$ 2,880,000.00

The City's proposed Living Wage rate for Fiscal Year 2013 is \$11.28 per hour, with benefits valued at no less than \$1.64 per hour or \$12.92/hour, without health benefits. The increase to the proposed Living Wage rate for FY13 (plus FICA/MICA (7.65%) equates to a \$0.81 increase.

If applied on a straight dollar to dollar (plus FICA/MICA) basis, the calculations described in the chart below results in \$18.81 for unarmed guards and \$18.45 for supervisors:

<u>Classification</u>	<u>FY 2013 Pay Rate</u>		<u>FY 2012 Pay Rate</u>		<u>Increase FY 2013</u>		<u>FICA/MICA</u>		<u>Total Increase FY 2013</u>		<u>FY 2012 Bill Rate</u>		<u>FY 2013 Bill Rate</u>
Unarmed Guards	\$12.92	-	\$12.17	=	\$0.75	+	7.65%	=	\$ 0.81	+	\$18.00	=	\$18.81
Supervisor(s)	\$12.92	-	\$12.50	=	\$0.42	+	7.65%	=	\$ 0.45	+	\$18.00	=	\$18.45

Beginning October 1, 2012 the remaining seven (7) months of the renewal year will need to be adjusted to the proposed Living Wage rate.

I. RFP Proposed Rates from May 1, 2012 through April 30, 2013					
Security Alliance Proposed Rates	I. UNARMED GUARDS HOURS		II. SUPERVISORS HOURS		
	130,000/year*		30,000/year*		
	Bill Rate/hour	Total	Bill Rate/hour	Total	GRAND TOTAL
	\$18.65	\$2,424,500.00	\$20.50	\$615,000.00	\$3,039,500.00
II. Renewal option of one (1) year with Security Alliance					
FY 2011/2012 from May 1, 2012 through September 30, 2012					
Security Alliance FY2012 Rates	I. UNARMED GUARDS HOURS		II. SUPERVISORS HOURS		
	54,167*		12,500*		
	Bill Rate/hour	Total	Bill Rate/hour	Total	GRAND TOTAL
	\$18.00	\$975,000.00	\$18.00	\$225,000.00	\$1,200,000.00
FY 2012/13 from October 1, 2012 through April 30, 2013					
Security Alliance FY2013 Rates	I. UNARMED GUARDS HOURS		II. SUPERVISORS HOURS		
	75,833*		17,500*		
	Bill Rate/hour	Total	Bill Rate/hour	Total	GRAND TOTAL
	\$18.81	\$1,426,425.00	\$18.45	\$322,875.00	\$1,749,300.00
TOTAL					\$2,949,300.00

*Assuming straight line usage of hours.

TOTAL DIFFERENCE IN COST

(\$90,200.00)

Although the \$18.81 bill rate for unarmed guards is greater than the new RFP rate of \$18.65 and the hours for unarmed guards are substantially more than for supervisors, it is still a better option for the City to renew the Current Agreement and limit the Living Wage adjustment to the straight dollar to dollar (plus FICA/MICA) increase.

Additionally, the second ranked proposer, Allied Barton Security Services proposed an estimated annual amount of \$3,005,000 (see Appendix A) which is \$34,500 less than Security Alliance's proposed estimated annual amount (\$3,039,500) and \$55,700 more than total one (1) year renewal amount calculated in the table above.

MANAGER'S DUE DILLIGENCE

After considering the review and recommendation of the Committee, as well as reviewing the Administration's analysis with regard to the City's options (i.e. accept a proposal vs. rejection of all proposals and, in the alternative, exercise the third renewal term under the Current Agreement), the City Manager has exercised his due diligence and recommends that it would be in the City's best interest to authorize the Administration to renew the Current Agreement for the third (and last) one year renewal term.

Under the Current Agreement, the City has the option to renew the contract, at its sole discretion. The Current Agreement expressly states that "Renewal of the contract is of prerogative, not a right of the contractor. Such option will be exercised, if at all, only when it is in the best interest of the City of Miami Beach."

In exercising the last renewal term under the Current Agreement, the City Manager further recommends that the Administration limit the adjustment of the bill rate to the straight dollar to dollar (plus FICA/MICA) for the proposed living wage adjustment date for subsequent years.

Additionally the Manager further recommends that the City Commission authorize the issuance of a new RFP for security guard services.

CONCLUSION

The Administration recommends that the Mayor and City Commission reject all proposals received pursuant to Request for Proposals No. 23-11/12 to Provide Security Guard Services (the RFP) and, in the alternative, recommends retroactively approving the third renewal term of Security Alliance's current contract for security guard services, dated April 2, 2007, with such third renewal being effective as of May 1, 2012 to April 30, 2013. The Manager further recommends authorizing the issuance of a new Request for Proposals (RFP) for security guard services.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER TO REJECT ALL PROPOSALS RECEIVED PURSUANT TO REQUEST FOR PROPOSALS NO. 23-11/12 TO PROVIDE SECURITY GUARD SERVICES (THE RFP) AND, IN THE ALTERNATIVE, RETROACTIVELY APPROVING THE THIRD RENEWAL TERM OF SECURITY ALLIANCE'S CURRENT CONTRACT FOR SECURITY GUARD SERVICES, DATED APRIL 2, 2007, WITH SUCH THIRD RENEWAL TERM BEING EFFECTIVE AS OF MAY 1, 2012, TO APRIL 30, 2013; AND FURTHER AUTHORIZING THE ISSUANCE OF A NEW REQUEST FOR PROPOSALS (RFP) FOR SECURITY GUARD SERVICES.

WHEREAS, At its December 6, 2011 meeting, the Committee recommended that the Administration proceed to issue a new Request for Proposals (RFP) for security guard services, but that the results of the new RFP process be compared with the City's current agreement, and to determine whether it was in the City's best interest to award a new contract, or for security guard services with Security Alliance (the Current Agreement) exercise the last renewal term from under the Current Agreement; and

WHEREAS, on January 11, 2012, the Mayor and City Commission authorized the issuance of RFP No. 23-11/12 for Security Guard Services; and

WHEREAS, RFP No. 23-11/12 was issued on January 30, 2012, with a bid opening date of March 2, 2012 in which ten (10) proposals were received; and

WHEREAS, on March 20, 2012, the City Manager via Letter to Commission (LTC) No. 082-2012, appointed an Evaluation Committee (the "Committee") consisting of the following individuals:

- Lt. Eduardo Yero, Community Affairs Unit and Contracts Administrator, Police Department;
- Rocio Alba, Financial Analyst III, Parking Department;
- Gabriel J. Paez, Miami Beach Resident, Citizens Police Academy Graduate and Alumni ;
- Nick Pietrocarlo, Miami Beach Resident, Citizens Police Academy Graduate and Alumni (Chair);
- Cornelius O'Regan, Police Support Services, Police Department; and
- Carol Lang, Miami Beach Resident, Co-Treasurer of the Citizens Police Academy; and

WHEREAS, the Committee convened on April 2, 2012 to shortlist the proposals and were also provided with an overview of the project, information relative to the City's Cone of Silence Ordinance and the Government Sunshine Law, general information on the scope of services, Performance Evaluation Surveys, and additional pertinent information from all responsive proposers; and

WHEREAS, the Committee unanimously ranked and short-listed the following four (4) proposers and invited them to return for interviews

1. Allied Barton;
2. Security Alliance;
3. G4S Secure Solutions;
4. Kent Security; and

WHEREAS, on April 16, 2012, the Committee reconvened to listen to 10-minute presentations from each short-listed proposer, followed by a 20-minute Question and Answer (Q&A) session; and

WHEREAS, the Committee unanimously recommended that the Administration enter into negotiations with the top top-ranked proposer, Security Alliance; and should the negotiations be unsuccessful, that it negotiate with the second ranked proposer, Allied Barton; and

WHEREAS, an analysis was conducted to compare the results of the new RFP process to the Current Agreement, in order to determine whether it would be in the City's best interest to either authorize the negotiations and, if successful, award a new contract pursuant to the new RFP, or, in the alternative, reject proposals and renew the Current Agreement for the last and final one year renewal term; and

WHEREAS, after considering the review and recommendation of the Committee, as well as reviewing the Administration's analysis with regard to the City's options (i.e. accept a proposal vs. rejection of all proposals and, in the alternative, exercise the third renewal term under the Current Agreement), the City Manager has exercised his due diligence and recommends that it would be in the City's best interest to authorize the Administration to reject all proposals and renew the Current Agreement for the third (and last) one year renewal term; and

WHEREAS, in exercising the last renewal term under the Current Agreement, the City Manager further recommends that the Administration limit the adjustment of the billing rate to the straight dollar to dollar (plus FICA/MICA) for the proposed living wage adjustment; and

WHEREAS, the Manager further recommends that the City Commission authorize the issuance of a new RFP for security guard services.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby accept the recommendation of the City Manager to reject all proposals received pursuant to Request for Proposals No. 23-11/12 to Provide Security Guard Services (the RFP) and, in the alternative, recommend retroactively approving the third renewal term of Security Alliance's current contract for security guard services, dated April 2, 2007, with such third renewal being effective as of May 1, 2012 to April 30, 2013; and, authorize the issuance of a new Request for Proposals (RFP) for security guard services.

PASSED AND ADOPTED THIS _____ DAY OF _____ 2012.

ATTEST:

CITY CLERK

MAYOR

T:\AGENDA\2012\6-6-12\RFP 23-11-12 Security Guard Services Reject and Renew-Reso.docx

**APPROVED AS TO
FORM & LANGUAGE
FOR EXECUTION**

 • 6/4/12
CITY ATTORNEY DATE

APPENDIX A

COST PROPOSAL - TABULATION					
	I. UNARMED GUARDS - 130,000 HRS/YR		II. SUPERVISORS - 30,000 HRS/YR		
Company	Billing Rate/hour	Total	Billing Rate/hour	Total	GRAND TOTAL
Responsible Security	\$ 17.50	\$ 2,275,000.00	\$ 17.50	\$ 525,000.00	\$ 2,800,000.00
FPI Security	\$ 18.45	\$ 2,398,500.00	\$ 18.45	\$ 553,500.00	\$ 2,952,000.00
SMI Security Management	\$ 18.50	\$ 2,405,000.00	\$ 19.50	\$ 585,000.00	\$ 2,990,000.00
USI Security	\$ 18.45	\$ 2,398,500.00	\$ 19.83	\$ 594,900.00	\$ 2,993,400.00
Kent Security	\$ 18.67	\$ 2,427,100.00	\$ 19.17	\$ 575,100.00	\$ 3,002,200.00
Allied Barton	\$ 18.53	\$ 2,408,900.00	\$ 19.87	\$ 596,100.00	\$ 3,005,000.00
SMI Security Innovations	\$ 18.86	\$ 2,451,800.00	\$ 18.86	\$ 565,800.00	\$ 3,017,600.00
Security Alliance	\$ 18.65	\$ 2,424,500.00	\$ 20.50	\$ 615,000.00	\$ 3,039,500.00
G4S Secure Solutions	\$ 18.67	\$ 2,427,100.00	\$ 22.37	\$ 671,100.00	\$ 3,098,200.00
US Security	\$ 20.25	\$ 2,632,500.00	\$ 20.25	\$ 607,500.00	\$ 3,240,000.00

APPENDIX A

ADD ALTERNATES												
#	DESCRIPTION	VALUE	Kent Security	FPI Security	USI Security	US Security	Allied Barton	Responsible Security	G4S Secure Solutions	SMI Security Management Innovations	SMI Security Management	Security Alliance
1	Code Enforcement											
	a. dog off leash	hour	\$ -	\$ 20.20	\$ 17.03	\$ -	\$ 20.53	\$ 18.50	\$ 18.67	\$ 18.86	\$ 19.10	\$ 19.75
	b. poop scooper	hour	\$ -	\$ 20.20	\$ 17.03	\$ -	\$ 20.53	\$ 18.50	\$ 18.67	\$ 18.86	\$ 19.10	\$ 19.75
	c. littering	hour	\$ -	\$ 20.20	\$ 17.03	\$ -	\$ 20.53	\$ 18.50	\$ 18.67	\$ 18.86	\$ 19.10	\$ 19.75
	d. skateboarding in Lincoln Rd	hour	\$ -	\$ 20.20	\$ 17.03	\$ -	\$ 20.53	\$ 18.50	\$ 18.67	\$ 18.86	\$ 19.10	\$ 19.75
	e. skateboarding and Bike on BW	hour	\$ -	\$ 20.20	\$ 17.03	\$ -	\$ 20.53	\$ 18.50	\$ 18.67	\$ 18.86	\$ 19.10	\$ 19.75
2	Special Master Hearings											
	a. Security Guard (Code)	appearance	\$ -	\$ 20.20	\$ 75.00	\$ -	\$ 112.00	\$ 19.50	\$ 104.56	\$ 18.86	\$ 19.30	\$ 24.50
	b. Supervisor	appearance	\$ -	\$ 20.20	\$ 90.00	\$ -	\$ 120.00	\$ 19.50	\$ 125.28	\$ 18.86	\$ 19.80	\$ 27.75
3	Unarmed guards (traffic control)	hour	\$ -	\$ 20.20	\$ 17.03	\$ -	\$ 19.53	\$ 18.50	\$ 18.67	\$ 18.86	\$ 19.30	\$ 19.20
4	Monthly cost of additional vehicle	vehicle	\$ -	\$ 600.00	\$ 1,195.00	\$ -	\$ 1,500.00	\$ -	\$ 1,500.00	\$ 600.00	\$ 1,200.00	\$ 1,200.00
5	Monthly cost of additional bicycle	bicycle	\$ -	\$ -	\$ 65.00	\$ -	\$ 200.00	\$ -	\$ 100.00	\$ 100.00	\$ 100.00	\$ 30.00
6	Monthly cost of additional golf cart	golf cart	\$ -	\$ 50.00	\$ 350.00	\$ -	\$ 230.00	\$ -	\$ 300.00	\$ 200.00	\$ 180.00	\$ 140.00
7	Costs associated with polygraph exam	polygraph	\$ -	\$ 100.00	\$ 500.00	\$ -	\$ 250.00	\$ -	\$ 275.00	\$ 200.00	\$ 150.00	\$ 125.00

EVALUATION COMMITTEE MEETING - April 2, 2012 - APPENDIX B

RFP# 23-11/12 For Security Guard Services	Carol Lang		Rocio Alba		Lt. Eduardo Yero		Tim O'Regan		Nick Pietrocarlo		TOTALS	LOW AGGREGATE TOTALS
	Total Points	Rank	Total Points	Rank	Total Points	Rank	Total Points	Rank	Total Points	Rank		
Responsible Security	5	10	52	10	17	10	31	10	52	10	157	50
Security Alliance	100	1	86	4	97	1	105	1	80	3	468 ¹	10
FPI Security	73	6	77	6	56	6	51	5	74	4	331	27
USI Security	50	7	68	7	44	8	50	6	58	6	270	34
US Security	85	5	78	5	70	5	45	7	54	8	332	30
G4S Security Services	100	1	87	3	88	4	95	3	82	2	452	13
Allied Barton	100	1	91	1	95	2	100	2	86	1	472	7
SMI Management Innovations, Inc	49	8	60	8	43	9	45	7	53	9	250	41
SMI Management, Inc.	17	9	60	8	52	7	39	9	57	7	225 ²	40
Kent Security	90	4	90	2	92	3	85	4	70	5	427	18

RANKING ORDER
Allied Barton
Security Alliance
G4S Security Services
Kent Security
FPI Security
US Security
USI Security
SMI Management, Inc.
SMI Management Innovations, Inc.
Responsible Security

Motion Presented by NICK PIETROCARLO, seconded by LT. YERO, and unanimously accepted by all committee members.

MOTION: Select the 4 top rank proposers for presentations: Allied Barton, Security Alliance, G4S and Kent Security.

Add to Motion: Which companies have union agreements and check validity of Kent Security Living Wage Violation at the City of Miami.

¹ Five (5) additional points for Local Preference were allocated to the total points for Security Alliance.

² Five (5) additional points for Local Preference were allocated to the total points for SMI Management, Inc.

APPENDIX C

March 31, 2012



SERVICE EMPLOYEES
INTERNATIONAL UNION
CTW, CLC

MICHAEL P. FISHMAN
President

KEVIN J. DOYLE
Executive Vice President

HÉCTOR J. FIGUEROA
Secretary-Treasurer

VICE - PRESIDENTS
KYLE BRAGG
GEORGE FRANCISCO
LEONOR FRIEDLAENDER
BRIAN LAMBERT
VALARIE TONG

FLORIDA DISTRICT
Eric Brakken
14 NE 1st Ave, Suite 905
Miami, FL 33132
305-672-7071
Fax: 305-672-9501

Local 32BJ Headquarters
61 Avenue of the Americas
New York, NY 10013-1791
212-388-3990

Capital Area District
Washington: 202.387.3211
Baltimore: 410.244.5970
Bos: 617.532.25
Silver Spring: 301.562.9300

Connecticut District
800.228.5253
Hartford: 860.560.8674
Stamford: 203.602.66151

District 1201
215-923-5400

Hudson Valley District
914.637.7000

Mid-Atlantic District
715.726.3600
Philly: 484.9725

**National Conference of
Firemen and Oilers District**
202.962.0981

New Jersey District
973.624.3225

**Western Pennsylvania
District**
412.471.0670

Dear Member of the Evaluation Committee,

As you consider proposals for RFP 23 – 11/12 – Security Guard Services, we want to urge you to consider the following information about Kent Security to make your decisions.

SEIU is engaged in a nationwide campaign to increase standards in the security industry. Unfortunately, the private security industry has been plagued by too many contractors with minimal standards and a poor record in their relationship to their employees. We believe that one of those contractors is Kent Security, which submitted a proposal for the aforementioned RFP.

In April 2011, with the help of Local 32BJ, Kent employees at the City of Miami filed a complaint with the City's Purchasing Director alleging violations of the City's Living Wage Ordinance. The employees had been illegally underpaid for years, with some getting paid as much as \$1.25 per hour below the mandated rates. After several months, a period when workers were forced to go out on strike to make their voices heard, the City agreed the Kent violated the Living Wage Law by underpaying workers. Thereafter, Kent filed a certification with the City falsely claiming it was in compliance with the law. As of the date of this letter, nearly a year after the complaint was filed, Kent has just started adjusting paying wage rates to comply with the law. However, Kent has still not reimbursed the employees for the years of illegal underpayment that they were subjected to.

Additionally, Kent has a long history of lawsuits filed against it and its affiliates for issues including unpaid wages and discrimination. We have also attached an insert detailing these issues, but some of the most egregious include:

- In July 2008, Ellen Greenfield, a former Kent VP of Sales, filed a lawsuit against Kent alleging gender and pregnancy discrimination and harassment. The plaintiff alleged that after informing Kent that she was pregnant, she experienced harassment, was demoted, put on surveillance, and ultimately constructively discharged. The case was settled on September 2009 with unknown terms.
- On two separate cases in 2009, plaintiffs Russell Casadonte and Jose Ortiz sued Kent under the Fair Labor Standards Act seeking to recover unpaid wages. Even as Kent denied any wrongdoing, it settled the cases for \$6,000 and \$5,538.60, respectively.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Eric Brakken
Florida District Director
SEIU 32BJ
14 NE 1st Ave, Suite 905
Miami, FL 33132
305-672-7071

APPENDIX D

Delvat, Cristina

From: Delvat, Cristina
Sent: Tuesday, April 03, 2012 2:51 PM
To: Aguila, Raul
Cc: Estevez, Maria
Subject: RE: Citynet - Purchasing Website Question

Per the email sent by the Purchasing Director of the City of Miami, Kent Security is currently in compliance.

MIAMIBEACH

Cristina Delvat Contracts Compliance Specialist
PROCUREMENT DIVISION
1700 Convention Center Drive, Miami Beach, FL 33139
Tel: 305-673-7496 / Fax: 786-394-4000/ cdelvat@miamibeachfl.gov

We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community.

 **Think Green. Keep it on the screen.**

From: Aguila, Raul
Sent: Tuesday, April 03, 2012 2:31 PM
To: Delvat, Cristina
Cc: Estevez, Maria
Subject: RE: Citynet - Purchasing Website Question

No closure from City of Miami?—i.e. did they ever respond to Kent's last letter and was Kent found to be in compliance or not?

MIAMIBEACH

Raul J. Aguila, Chief Deputy City Attorney
OFFICE OF THE CITY ATTORNEY
1700 Convention Center Drive – Fourth Floor, Miami Beach, FL 33139
Tel: 305-673-7470 or 305-673-7000 / Fax: 305-673-7002 / www.raulaquila@miamibeachfl.gov

We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community.

From: Delvat, Cristina
Sent: Tuesday, April 03, 2012 1:46 PM
To: Aguila, Raul
Cc: Estevez, Maria
Subject: FW: Citynet - Purchasing Website Question

Hi Raul,

Please see Attached letters regarding Kent Security's violation of the Living Wage at the City of Miami. Should I forward the information to the Committee members?

Thank you,

MIAMIBEACH

Cristina Delvat Contracts Compliance Specialist
PROCUREMENT DIVISION
1700 Convention Center Drive, Miami Beach, FL 33139
Tel: 305-673-7496 / Fax: 786-394-4000/ cdelvat@miamibeachfl.gov

We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community.

 **Think Green. Keep it on the screen.**

From: Robertson, Kenneth [mailto:krobertson@miamigov.com]
Sent: Tuesday, April 03, 2012 11:38 AM
To: Delvat, Cristina
Cc: Estevez, Maria
Subject: RE: Citynet - Purchasing Website Question

Good morning:

Please review the attached documents. After several letters during our investigation process, Kent Security is currently in compliance with the living wage rate requirements of ITB Contract 16014. Follow-up Miami Herald article is also posted below. Thank you.

<http://www.miamiherald.com/2012/03/29/2722726/security-contractor-pays-back.html>

Kenneth Robertson
Director / Chief Procurement Officer

City of Miami - Purchasing Department
Miami Riverside Center
444 S.W. 2nd Avenue - 6th Floor
Miami, FL 33130

Phone: (305) 416-1910
Fax: (305) 416-1925
E-mail: krobertson@miamigov.com
Website: <http://www.miamigov.com/procurement/>

This communication may contain confidential and/or otherwise proprietary material and is thus for use only by the intended recipient. If you received this in error, please contact the sender and delete the e-mail and its attachments from all computers. Due to Florida's very broad public records law, most written communications to or from City of Miami employees regarding city business are public records, available to the public and media upon request. Therefore, this e-mail communication may be subject to public disclosure.

From: Delvat, Cristina [mailto:CDelvat@miamibeachfl.gov]
Sent: Monday, April 02, 2012 4:19 PM
To: Robertson, Kenneth
Cc: Estevez, Maria
Subject: Citynet - Purchasing Website Question

Good afternoon Mr. Robertson,

This morning the Evaluation Committee for RFP #23-11/12- Security Guard Services convened to shortlist. During the meeting, the committee members were informed that Kent Security was in violation of the Living Wage of the City of Miami. In order for the committee to make an informed ranking of the companies, we would like to know the facts.

Please let us know the details of the violation.

Thank you in advance for your assistance with this matter.

City of Miami

KENNETH ROBERTSON
Chief Procurement Officer

JOHNNY MARTINEZ, P.E.
City Manager



February 24, 2012

SENT VIA:
EMAIL fhenry@bluerocklegal.com

Frank H. Henry, Esq.
Bluerock Legal, P.A.
11645 Biscayne Boulevard, Suite 400
North Miami, Florida 33181

RE: KENT SECURITY SERVICES LIVING WAGE RATE NONCOMPLIANCE

Dear Mr. Henry:

In response to previous correspondence regarding the subject matter, on Thursday, November 3, 2011, Kent Security Services ("Kent") hand delivered the attached Living Wage Certification dated November 2, 2011, to my office (Attachment 1). This certification was submitted in order to become compliant with ITB Contract 16014 General Condition 1.40, CITY OF MIAMI LIVING WAGE ORDINANCE, which requires that "[e]very six months, the service contractor shall file with the city's procurement director a listing of all covered employees together with a certification of compliance with this article."

As you are aware, Bid Contract 16014 was awarded to Kent pursuant to the terms and conditions of Invitation for Bid (IFB) 16014. Special Condition 2.5, Living Wage Ordinance, on Page 29 of the IFB clearly states:

"City of Miami's Living Wage Ordinance is applicable to this service contract. Please refer to Section 1.40 of the General Terms and Conditions for further information and guidance on how to comply with this ordinance."

General Condition 1.40, City of Miami Living Wage Ordinance, on Page 18 of the IFB and its cited Section 18-556 of the City of Miami Code of Ordinances clearly state:

*"Living wage means a wage set at a level equal to 110 percent of the poverty guideline as published from time to time by the U.S. Department of Health and Human Services Poverty Guidelines (persons in households of four). The 2006 living wage is no less than \$10.58 an hour **with a health benefit plan** [emphasis added], as described in this article, or a living wage of not less than \$11.83 an hour **without health benefits** [emphasis added]. The living wage shall be adjusted annually by no later than April 1 following the publication of the aforementioned guidelines."*

Section 18-557, Living Wage, Subsection (b), *Health benefits; eligibility period*, of the City of Miami Code of Ordinances, clearly states:

(b) Health benefits; eligibility period. For a covered employer to comply with this article by choosing to pay the lower wage scale available when a covered employer also provides a standard health benefit plan, such health benefit plan shall consist of a payment of at least \$1.25 per hour toward the provision of health benefits for covered employees and their dependents and shall be approved by the city.

If the health benefit plan of the covered employer requires an initial period of employment for a new employee to be eligible for health benefits (the "eligibility period"), a covered employer may qualify to pay the \$10.58 per hour wage scale for a term not to exceed the new employee's eligibility period, provided the new employee will be paid health benefits upon completion of the eligibility period, which period shall not exceed 90 days.

Previous correspondence regarding this issue communicated all calculations in support of the City's living wage hourly rates for Years 2006 – 2011. This \$1.25 health benefit value was duly factored into the yearly living wage rates required of ITB Contract 16014:

Year	Wage With Benefit	Health Benefit	Wage Without Benefit
2006	10.58	1.25	11.83
2007	10.92	1.25	12.17
2008	11.21	1.25	12.46
2009	11.66	1.25	12.91
2010	11.66	1.25	12.91
2011	11.82	1.25	13.07

ITB Contract 16014 and the Living Wage Ordinance are both clear that the value associated with not providing a health benefit plan equates to \$1.25 per hour: $\$11.83 - \$10.58 = \$1.25$. If choosing to pay the *lower* wage scale throughout the contract term, Kent is contractually required to pay an additional \$1.25 per hour toward the provision of health benefits for covered employees and their dependents.

Kent's Living Wage Certification dated November 2, 2011, specifies the (then) current salaries of 34 covered employees working under ITB Contract 16014. Of these 34 covered employees, 32 of them are making \$12.40 per hour; one is making \$12.65 per hour; and one is making \$13.50 per hour.

Please note that the 2011 living wage hourly rate with a health benefit plan is \$11.82. The 2011 living wage hourly rate without a health benefit plan is \$13.07. The City of Miami can logically presume, therefore, that Kent is choosing to pay 33 out of the 34 covered employees the lower wage rate because they are actually receiving a health benefit plan.

Accordingly, please forward proof to the City of Miami that the following covered employees are currently receiving a health benefit plan and were receiving a health benefit plan during calendar year 2011:

Adel, Robert
Alejo, Francia
Arias, Zulay
Bolivar, Ernst
Cantillo, Jorge
Cruikshank, Nigel
Dixon, Edgar
Edwards, Eddie
Exposito, George
Filtidor, John
Gabela, Melissa
Godinez, Guillermo
Gutierrez, Rafael
Hannednant, Anthoniel
Lafosse, Kenly
Langott, Delaneo
Levi, Itzhak
Malagon, William
Mathieu, Pierre
Moradel, Cesar
Moyer, America
Pierre, Sanley
Pierre, Bayonne
Polydor, Steve
Prevot, Rony
Renard, Herbert
Rios, Eric
Rodriguez, Sandor
San, Abilio
Timothee, Renaud
Tongue, Allen
Valles, Maria
Willis, Anthony

This information is requested not later than close of business 5:00 PM, Thursday, March 1, 2012.

Pursuant to General Condition 1.40, Paragraph 8, on Page 19 of the IFB:

"Failure to comply with the City of Miami Living Wage Ordinance may result in legal action by the covered employee or former covered employee as allowed by Florida Law, court impose[d] sanctions, city impose[d] sanctions, such as pay wage restitution, impose[d] monetary damages, suspension or termination of payment, termination of contract, and debarment."

Additionally, pursuant to Section 18-559 (d) of the City of Miami Code of Ordinances:

(d) Sanctions against service contractors. For violations of this article, the city shall sanction a service contractor by requiring the service contractor to pay wage restitution at its expense for each affected employee. The city may also sanction the service contractor in at least one of the following additional ways:

- (1) The city may impose damages in the sum of \$500.00 for each week for each covered employee found to have not been paid in accordance with this article;
- (2) The city may suspend or terminate payment under the service contract or terminate the contract with the service contractor, and;
- (3) The city may declare the service contractor ineligible for future service contracts for three years or until all penalties and restitution have been paid in full, whichever is longer. In addition, any employer shall be ineligible for a service contract where principal officers of such employer were principal officers of a service contractor who has been declared ineligible under this article.

Failure to provide the requested information in writing may expose Kent to the sanctions above identified. Should you have any questions, please contact me immediately at office number (305) 416-1910 or via email at krobertson@miamigov.com. Thank you.

Sincerely,

Kenneth J. Robertson

Kenneth Robertson /s/
Director / Chief Procurement Officer

KR/kr

encl: Attachment 1

cc: IFB File; Mr. Gil Neuman, Kent Security Services: gneuman@kentsecurity.com

2011 NOV -3 PM 3:22
CITY OF MIAMI
PURCHASING DEPARTMENT

November 2, 2011

Kenneth Robertson
Director/Chief Procurement Officer
City of Miami Purchasing Department
444 S.W. 2d Avenue - 6th Floor
Miami, FL 33130

Re: Kent Security Services, Inc.

Dear Mr. Robertson:

Attached is a list of every employee of Kent Security Services, Inc., who provides security services to the City of Miami. Each of these employees is paid \$12.40 (or more) per hour. This letter will serve as certification of compliance with Article 1.40 of the Invitation for Bid.

Sincerely,



Gil Neuman
CEO

(120)



KENT SECURITY

P: 305.919.9400 - 1-800-KENT (5368) | F: 305.919.9590 | 14600 Biscayne Boulevard, Miami, FL 33181 | www.kentsecurity.com

41526	Adel, Robert	Current Pay Rate:	\$12.40
40300	Alejo, Francia	Current Pay Rate:	\$12.40
40357	Alvarez, Francisco	Current Pay Rate:	\$13.50
40547	Arias, Zulay	Current Pay Rate:	\$12.40
40313	Bolivar, Ernst	Current Pay Rate:	\$12.40
41534	Cantillo, Jorge	Current Pay Rate:	\$12.40
41538	Cruikshank, Nigel	Current Pay Rate:	\$12.40
40456	Dixon, Edgar N	Current Pay Rate:	\$12.40
40539	Edwards, Eddie L.	Current Pay Rate:	\$12.40
40432	Exposito, George	Current Pay Rate:	\$12.40
40368	Filtidor, John	Current Pay Rate:	\$12.40
40365	Gabela, Melissa L	Current Pay Rate:	\$12.65
40350	Godinez, Guillermo	Current Pay Rate:	\$12.40
40405	Gutierrez, Rafael	Current Pay Rate:	\$12.40
40400	Hennednant, Anthoniel	Current Pay Rate:	\$12.40
41499	Lafosse, Kenly	Current Pay Rate:	\$12.40
40510	Langott, Delaneo D	Current Pay Rate:	\$12.40
41528	Levi, Itzhak	Current Pay Rate:	\$12.40
40359	Malagon, William David	Current Pay Rate:	\$12.40
40514	Mathieu, Pierre	Current Pay Rate:	\$12.40
41531	Moradel, Cesar	Current Pay Rate:	\$12.40
40309	Moyer, America	Current Pay Rate:	\$12.40
40452	Pierre, Sanley J	Current Pay Rate:	\$12.40
40997	Pierre, Bayonne	Current Pay Rate:	\$12.40
40385	Polydor, Steve	Current Pay Rate:	\$12.40
40530	Prevot, Rony	Current Pay Rate:	\$12.40
40485	Renard, Herbert	Current Pay Rate:	\$12.40
40295	Rios, Eric	Current Pay Rate:	\$12.40
40451	Rodriguez, Sandor	Current Pay Rate:	\$12.40
40960	San, Abilio P	Current Pay Rate:	\$12.40
41022	Timothee, Renaud	Current Pay Rate:	\$12.40
41537	Tongue, Allen	Current Pay Rate:	\$12.40
40492	Valles, Maria D	Current Pay Rate:	\$12.40
41004	Willis, Anthony	Current Pay Rate:	\$12.40



BLUEROCK

LEGAL, P.A.

A PRIVATE LAW FIRM

Direct Dial: (305) 981-4300
Facsimile: (305) 981-4304
fhenrv@bluerocklegal.com

March 1, 2012

VIA Fax (305-416-1925) and US Mail

Kenneth Robertson
Director/Chief Procurement Officer
City of Miami Purchasing Department
444 S.W. 2d Avenue – 6th Floor
Miami, FL 33130

Re: Kent Security Services

Dear Mr. Robertson:

As your file will reflect, this law firm represents Kent Security Services, Inc. Thank you for your letter dated February 24, 2012.

You request in your letter we “prove” to the City of Miami that a number of individuals identified in your letter are “currently receiving a health benefit plan and were receiving a health benefit plan during calendar year 2011.” You also commented on that issue that the City “logically presumes” that Kent Security Services, Inc., is “choosing to pay 33 out of the 34 covered employees the lower wage rate [of \$11.82 per hour] because they are actually receiving a health benefit plan.”

As a preliminary matter, you should be aware that none of Kent Security’s employees working on the City of Miami contract are being paid \$11.82 per hour. All of those employees are being paid not less than \$12.40 per hour. Your comment that Kent Security is “choosing to pay 33 out of 34 employees the lower wage rate” is incorrect.

Your email to Jerry Tollefsen on July 18, 2011, was the first we learned of any established wage rates applicable to the City of Miami contract. You can review the dialogue that we had relating to the issues in your letter, and other issues that you raised subsequent to your first letter. Kent Security’s response has been consistent throughout – although we disagree that the wage rates that you described in your letter can be drawn with any degree of certainty from the City’s Living Wage Ordinance, we agreed to set those wage rates as a minimum threshold from that point forward.

All Kent Security employees working on the City of Miami contract are being paid in accordance with the wage rates in your letter of July, 2011. Kent Security also maintains a generous health insurance plan for its employees. Those employees working on the City of Miami contract

Kenneth Robertson

March 1, 2012

were and are each entitled to participate at no cost for their own coverage. After our last correspondence with you on those issues, you asked that Kent Security "certify its payroll" going forward. Kent Security's Chief Executive Officer, Gil Neuman, did so on November 2, 2011.

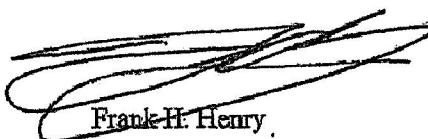
The employees working on the City of Miami contract who have actually elected to participate in Kent Security's health insurance plan are Edgar Dixon, Delaneo Langott, Sanley Pierre, and Rafael Gutierrez. Kent Security has retroactively adjusted the remainder of its employees on the City of Miami contract to \$13.07 per hour from July 18, 2011, the day we received your initial correspondence, even though each of those employees is eligible to participate in Kent Security's health insurance plan but has elected not to do so.

On a separate but related issue, we request that you consider email correspondence that you received from Vivian Cheung, Kent Security's Controller, on November 4, 2011, four months ago. The correspondence related to your suggestion to Kent Security in September that the City's bill rate be adjusted to accommodate what you characterized as an increase in the Living Wage. Ms. Cheung wrote to you for approval for that upward adjustment of 20 cents per hour to the City's bill rate. To date, neither Ms. Cheung nor anyone else at Kent Security has received a response. The net effect is that the wage rate paid to employees was increased, but the bill rate to the City remained the same.

Kent Security has been privileged to serve the citizens of the City of Miami for the past five years. Kent Security and the City of Miami are now in the fifty ninth month of a sixty month contract. Please let us know if there are other issues that you perceive may need to be addressed in the brief remaining term.

Please do not hesitate to call if you wish to discuss any of the issues addressed in this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank H. Henry", with a stylized flourish above the name.

Frank H. Henry

The Miami Herald

Posted on Fri, Mar. 30, 2012

Security contractor pays back wages to workers

By Lidia Dinkova
Special to The Miami Herald

A security company has agreed to increase the pay of guards working on city contracts after Miami officials investigated whether the company failed to comply with a "living wage" law.

The law sets minimum hourly rates for employees of city contractors while they are working for the city.

Kent Security agreed in March to a retroactive pay hike after Miami's Purchasing Department launched its second investigation into Kent's payroll records. Based on those records, for periods of 2011, the city sent Kent a letter indicating that 29 out of 34 employees working on city contracts appeared to be underpaid. The company also had increased wages last year after a city investigation, according to the Purchasing Department.

For 2011, the minimum was \$11.82 for workers receiving health insurance, or \$13.07 for workers without health insurance.

Twenty-eight of the underpaid employees — none of whom had requested or received a health benefit plan from Kent — were getting \$12.40 an hour, according to payroll records Kent provided to the Purchasing Department in November 2011. Another employee without health insurance received \$12.65 an hour, also an apparent violation. But four employees who were getting health benefits received \$12.40 an hour, which is above the minimum. One employee without health insurance was receiving \$13.50, also above the minimum.

The company said it offered free health insurance to all of these employees, but most declined, and the company thought it was complying with the law.

"We have always considered ourselves compliant, and we have paid whatever the city wanted us to pay," said a spokesman for the company Monday. "We have always paid the living-wage rate and, when the city has recast the formula, we have met the city's requirements every time."

But a representative of a union trying to organize the guards said the company should be punished.

"Kent has ripped off both their employees and us as taxpayers in the city by pocketing the money and ignoring the law," said Eric Brakken, director of the Florida chapter of the 32JB, a branch of Service Employees International Union, which helped several guards file complaints with the city.

"So far the city hasn't sanctioned Kent," said Brakken. "We are urging the city to do that. The city should actually withhold payment to Kent and send that money back directly to the workers they have taken advantage of. The city should really set an example by demonstrating that this kind of activity is not going to be tolerated."

The city had the option of imposing fines of \$500 per week per underpaid employee, terminating Kent's contract, suspending or terminating payment under the contract, or declaring Kent ineligible for city contracts for three years or until Kent pays all penalties and restitutions.

This city's living wage is set each year in April to equal to 110 percent of the U.S. Department of Health and Human Services' Poverty Guidelines for persons in households of four.

Between Oct. 1, 2010, and March 19, 2012, the city has paid Kent \$880,598.85 for security services.

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<http://www.miamiherald.com>

Delvat, Cristina

From: Jerry Tollefsen [jtollefsen@kentsecurity.com]
Sent: Friday, April 06, 2012 9:55 AM
To: Delvat, Cristina
Cc: Gil Neuman
Subject: Re: Union Bargaining Agreement

Hi Cristina,
We do not have a union bargaining agreement.

From: Delvat, Cristina
Cc: Aguilu, Raul ; Damien, Elizabeth ; Walker, Patricia ; Echert, Georgie
Sent: Wed Apr 04 09:31:54 2012
Subject: Union Bargaining Agreement
Good morning,

The Evaluation Committee members of the RFP #23-11/12 for Security Guard Services would like to know if your company has a union bargaining agreement. Please provide your answer for the record by Friday, April 6, 2012.

Thank you,

MIAMI BEACH

Cristina Delvat Contracts Compliance Specialist
PROCUREMENT DIVISION
1700 Convention Center Drive, Miami Beach, FL 33139
Tel: 305-673-7496 / Fax: 786-394-4000/ cdelvat@miamibeachfl.gov

We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community.

 **Think Green. Keep it on the screen.**

Delvat, Cristina

From: Bill A. Murphy [billm@securityalliancegroup.com]
Sent: Wednesday, April 04, 2012 9:47 AM
To: Delvat, Cristina
Cc: Aguila, Raul; Damien, Elizabeth; Walker, Patricia; Echert, Georgie
Subject: RE: Union Bargaining Agreement

Hello Cristina,

Yes.... Security Alliance did reach an agreement and sign a Collective Bargaining Agreement with the SEIU Local 32BJ. The agreement has been in place for about a year and a half.

If you need specifics or further details, please let me know.

thank you -- bill

William Murphy
Senior Vice President
Security Alliance, LLC
(305) 670-6544

From: Delvat, Cristina [mailto:CDelvat@miamibeachfl.gov]
Sent: Wed 4/4/2012 9:31 AM
Cc: Aguila, Raul; Damien, Elizabeth; Walker, Patricia; Echert, Georgie
Subject: Union Bargaining Agreement

Good morning,

The Evaluation Committee members of the RFP #23-11/12 for Security Guard Services would like to know if your company has a union bargaining agreement. Please provide your answer for the record by Friday, April 6, 2012.

Thank you,

MIAMIBEACH

Cristina Delvat Contracts Compliance Specialist
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Delvat, Cristina

From: Andres Correa [andres.correa@usa.g4s.com]
Sent: Wednesday, April 04, 2012 1:12 PM
To: Delvat, Cristina
Subject: RE: Union Bargaining Agreement

Good Afternoon Ms. Delvat,

We currently have a union bargaining agreement with the International Union, Security, Police, Fire Professional of America (SPFPA) at the South Florida Regional Transportation Authority (SFRTA) in Broward County.

I hope this answers the question. Please do not hesitate in calling me in the event that you need further clarification.

Sincerely,

Andres Correa

Manager of Business Development

G4S Secure Solutions (USA) Inc.

5820 Blue Lagoon Drive, Suite 300

Miami, FL 33126

Office: 305 266 2004

Mobile: 305 763 1170

Fax: 305 261 6511

Email: andres.correa@usa.g4s.com

www.g4s.com/us

From: Delvat, Cristina [mailto:CDelvat@miamibeachfl.gov]
Sent: Wednesday, April 04, 2012 9:32 AM
Cc: Agulla, Raul; Damien, Elizabeth; Walker, Patricia; Echert, Georgie
Subject: Union Bargaining Agreement

Good morning,

The Evaluation Committee members of the RFP #23-11/12 for Security Guard Services would like to know if your company has a union bargaining agreement. Please provide your answer for the record by Friday, April 6, 2012.

Thank you,

MIAMIBEACH

Cristina Delvat Contracts Compliance Specialist


Delvat, Cristina

From: Mcdonald, Taylor [Taylor.Mcdonald@alliedbarton.com]
Sent: Thursday, April 05, 2012 12:54 PM
To: Delvat, Cristina
Cc: Aguila, Raul; Damien, Elizabeth; Walker, Patricia; Echert, Georgie
Subject: RE: Union Bargaining Agreement

AlliedBarton is party to a National Framework Agreement with the SEIU that provides for a stable and constructive relationship on a nationwide basis. Allied Barton is currently a signatory to twenty-one (21) collective bargaining agreements with several different labor organizations. The majority of AlliedBarton's collective bargaining agreements are with the SEIU.

Best Regards,
Taylor

Taylor McDonald | Director of Business Development
AlliedBarton Security Services
Mobile: 954.415.7419 | Fax: 954.425.8275
taylor.mcdonald@alliedbarton.com | [AlliedBarton.com](http://www.alliedbarton.com)
<http://www.linkedin.com/in/taylormcdonald>

Follow AlliedBarton On:    

From: Delvat, Cristina [mailto:CDelvat@miamibeachfl.gov]
Sent: Wednesday, April 04, 2012 9:32 AM
Cc: Aguila, Raul; Damien, Elizabeth; Walker, Patricia; Echert, Georgie
Subject: Union Bargaining Agreement

Good morning,

The Evaluation Committee members of the RFP #23-11/12 for Security Guard Services would like to know if your company has a union bargaining agreement. Please provide your answer for the record by Friday, April 6, 2012.

Thank you,

MIAMIBEACH

Cristina Delvat Contracts Compliance Specialist
PROCUREMENT DIVISION
1700 Convention Center Drive, Miami Beach, FL 33139
Tel: 305-673-7496 / Fax: 786-394-4000/ cdelvat@miamibeachfl.gov

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Condensed Title:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE AND CITY CLERK TO EXECUTE A VEHICLE PURCHASE AND SALES AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND BRINK'S, INC. FOR THE PURCHASE OF AN ARMORED VEHICLE IN THE AMOUNT OF \$10.00; FURTHER ESTABLISHING AN AMOUNT OF \$10,664 FOR THE CONVERSION OF THE ARMORED VEHICLE, AND SETTING FORTH THE ANNUAL EXPENSE OF \$4,235 FOR THE MAINTENANCE OF THE ARMORED VEHICLE.

Key Intended Outcome Supported:

Increase resident ratings of public safety services.

Supporting Data (Surveys, Environmental Scan, etc.): According to the Center for Research and Public Policy, and Business Residential Satisfaction Survey of the City of Miami Beach, residents in 2009, indicated that their three most important areas for the City of Miami Beach to address in an effort to improve public safety throughout the City are: Preventing Crime 44.9%, Enforcing Traffic Laws 36.1% and increasing Visibility of Police in the Neighborhoods 32.4%.

Issue:

Shall the City adopt the Resolution?

Item Summary/Recommendation:

The Miami Beach Police Department has identified a need to purchase an armored vehicle to be utilized for tactical purposes, including rescue of persons under gunfire and to neutralize the threat of an active shooter.

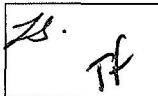
Brink's Inc., a well known armored car transport company for banks and other financial institutions, has created a program that provides law enforcement agencies the opportunity to acquire armored vehicles, which would otherwise be destroyed at the end of their useful life for the company. Brink's Inc. has agreed to sell a 1998 International 4700 Series armored vehicle for \$10 to the City of Miami Beach. This vehicle although used, is in overall excellent condition. To make this vehicle mission and operationally ready, would involve painting, installation of bench seating and emergency equipment (emergency lighting, siren and public address system) at a one-time cost of \$10,664. In addition, to maintain the vehicle, it will cost approximately \$1,735 annually for preventative maintenance and an estimated cost of \$2,500 for fuel annually.

Law enforcement agencies across the country have added armored vehicles to their fleet to safely respond to these dangerous situations. Therefore, it is imperative that the Miami Beach Police Department take advantage of this limited opportunity and purchase the vehicle.

Advisory Board Recommendation:

N/A

Financial Information:

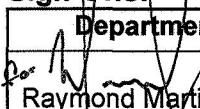
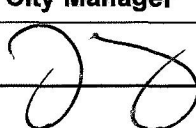
Source of Funds:		Amount	Account
 OBPI	1	\$10,674	011-1122-000674
	2		
	3		
	Total		

Financial Impact Summary: N/A

City Clerk's Office Legislative Tracking:

Mauvett Rattigan, Police Financial Assistant

Sign-Offs:

Department Director	Assistant City Manager	City Manager
 Raymond Martinez, Chief		



MIAMI BEACH

AGENDA ITEM C7J
DATE 6-6-12



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: June 6, 2012

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE AND CITY CLERK TO EXECUTE A VEHICLE PURCHASE AND SALES AGREEMENT BETWEEN THE CITY OF MIAMI BEACH, ON BEHALF OF THE MIAMI BEACH POLICE DEPARTMENT, AND BRINK'S, INC. FOR THE PURCHASE OF AN ARMORED VEHICLE IN THE AMOUNT OF \$10.00; FURTHER ESTABLISHING AN AMOUNT OF \$10,664 FOR THE CONVERSION OF THE ARMORED VEHICLE, AND SETTING FORTH THE ANNUAL EXPENSE OF \$4,235 FOR THE MAINTENANCE OF THE ARMORED VEHICLE; AND DIRECTING THE FLEET DEPARTMENT TO ACKNOWLEDGE THE INCLUSION OF THE ARMORED VEHICLE WITHIN THE CITY OF MIAMI BEACH'S FLEET OF VEHICLES.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The Miami Beach Police Department has identified a need to purchase an armored vehicle to be utilized for tactical purposes, including rescue of persons under gunfire and to neutralize the threat of an active shooter. At the present time, the Special Weapons and Tactics Team (SWAT) responds to high risk active shooting incidents and barricaded subjects utilizing a conventional vehicle (which is not armored), creating a risk to responding police officers.

Up until this point, purchase of this type vehicle has been cost prohibitive, as the cost for an armored SWAT vehicle is between \$190,000 up to \$500,000. Brink's Inc., a well-known armored car transport company for banks and other financial institutions, has created a program that provides law enforcement agencies the opportunity to acquire armored vehicles, which would otherwise be destroyed at the end of their useful life for the company. Brink's Inc. representatives have approached the City of Miami Beach on two separate occasions to participate in this program, and expressed that this is the City's final opportunity to participate. Local law enforcement agencies have already taken advantage of this program, including the City of Sweetwater, City of Doral, City of Coral Gables and the City of Miami Gardens.

Brink's Inc. has agreed to sell a 1998 International 4700 Series armored vehicle for \$10 to the City of Miami Beach (photo attached). This vehicle, although used, is in overall excellent condition. The City can expect this armored vehicle to have an additional six (6) years of useful life or another 100,000 miles, whichever comes first. Upon the end of armored vehicle's useful life, the Miami Beach Police Department will pursue another purchase from Brink's Inc. or determine if the purchase of an armored vehicle can be pursued with grant funding.

To make this vehicle mission and operationally ready, will involve painting, installation of bench seating and emergency equipment (emergency lighting, siren and public address system) at a one-time cost of \$10,664. This vehicle will have the capability of transporting 10 SWAT equipped personnel to all types of hostile dangerous situations safely. Funding for the purchase and retrofit of the armored vehicle will be funded through the Miami Beach Police Department Fiscal Year (FY) 2012 budget.

In addition, to maintain the vehicle, it will cost approximately \$1,735 annually for preventative maintenance and an estimated cost of \$2,500 for fuel annually. The maintenance and fuel for the vehicle will be provided by City of Miami Beach Fleet Management Department. This additional expense will be budgeted during the FY 13 budget process.

CONCLUSION

With major incidents, such as the bank robbery in Los Angeles in 1997 and the Columbine High School Shooting in Littleton, Colorado, law enforcement agencies across the country have added armored vehicles to their fleet to safely respond to these dangerous situations. Therefore, it is imperative that the Miami Beach Police Department take advantage of this limited opportunity and purchase the vehicle.

JMG/RAM/MO/DM/MG

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE AND CITY CLERK TO EXECUTE A VEHICLE PURCHASE AND SALES AGREEMENT BETWEEN THE CITY OF MIAMI BEACH, ON BEHALF OF THE MIAMI BEACH POLICE DEPARTMENT, AND BRINK'S, INC. FOR THE PURCHASE OF AN ARMORED VEHICLE IN THE AMOUNT OF \$10.00; FURTHER ESTABLISHING AN AMOUNT OF \$10,664 FOR THE CONVERSION OF THE ARMORED VEHICLE, AND SETTING FORTH THE ANNUAL EXPENSE OF \$4,235 FOR THE MAINTENANCE OF THE ARMORED VEHICLE; AND DIRECTING THE FLEET DEPARTMENT TO ACKNOWLEDGE THE INCLUSION OF THE ARMORED VEHICLE WITHIN THE CITY OF MIAMI BEACH'S FLEET OF VEHICLES.

WHEREAS, the Miami Beach Police Department has identified a critical need to obtain an armored vehicle for its Special Weapons and Tactics Team ("SWAT"), which shall be utilized for tactical purposes, rescue of persons under fire, and the neutralization of those threats that involve an active shooter in the City of Miami Beach; and

WHEREAS, the Miami Beach Police Department SWAT responds to numerous high risk active shooting incidents and barricaded subjects utilizing a conventional vehicle, which is without armor plating, and creates a risk of injury or death to those responding police officers; and

WHEREAS, Brink's Inc., an armored car transport company for banks and other financial institutions, has created a program that provides law enforcement agencies with the opportunity to acquire armored vehicles, which are utilized for tactical operations; and

WHEREAS, Brink's, Inc. has agreed to sell to the City of Miami Beach, a 1998 International 4700 Series armored vehicle for \$10.00, which shall be converted and used by Miami Beach Police Department SWAT for the high risk operations throughout the City of Miami Beach; and

WHEREAS, this armored vehicle must be converted in order to establish an operational and mission effective SWAT vehicle, and such conversion, shall result in a one-time cost of \$10,664.00 by the City of Miami Beach; and

WHEREAS, the City of Miami Beach will be required to maintain the armored vehicle, which will cost approximately \$1,735.00 annually for preventative maintenance, and an annual estimated cost of \$2,500.00 for fuel consumption; and

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, authorizing the City Manager or his designee and City Clerk to execute a vehicle purchase and sales agreement between the City of Miami Beach, on behalf of the Miami Beach Police Department, and Brink's, Inc., for the purchase of an armored vehicle in the amount of \$10.00; further establishing an amount of \$10,664.00 for the conversion of the armored vehicle, and setting forth the annual expense of \$4,235.00 for the maintenance of the armored vehicle; and directing the Fleet Department to acknowledge the inclusion of the armored vehicle within the City of Miami Beach's fleet of vehicles.


PASSED and ADOPTED this _____ day of June, 2012.

ATTEST BY:

RAFAEL E. GRANADO, CITY CLERK

MATTI HERRERA BOWER
MAYOR

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

 6/4/12

CITY ATTORNEY AB DATE

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE ACCEPTANCE OF \$1,250 OF SPONSORSHIPS SUPPORT OF THE CITY'S COMMUNITY DEVELOPMENT WEEK ACTIVITIES, AND FURTHER ACCEPTING FUTURE SPONSORSHIPS FOR THIS PURPOSE, SUBJECT TO RATIFICATION BY THE MAYOR AND CITY COMMISSION; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO MAKE SUCH EXPEDITURES AND/OR REIMBURSEMENTS FROM THE AFORESTATED SPONSORSHIP, IN FURTHERANCE OF AND CONSISTENT WITH THE AFORESTATED EVENT.

WHEREAS, Community Development Week is a nationwide event in the United States; and

WHEREAS, April 9, 2012 through April 14, 2012 was the 26th National Community Development Week; and

WHEREAS, on April 20, 2012 the City commemorated this week with a bus tour of current and previously funded Community Development Projects in the City of Miami Beach, followed by a luncheon; and

WHEREAS, in furtherance of this Program, the following entities made contributions and became sponsors of the City's Community Development Week activities:

Big Bus Miami (in kind);
Simply Healthcare (\$250);
TD Bank (\$500);
Total Bank (\$500); and

WHEREAS, it is hereby recommended that the Mayor and City Commission authorize the acceptance of these and future sponsorships, in furtherance of Community Development Week, subject to ratification of same by the City Commission at a future meeting; and

WHEREAS, it is further recommended that the Mayor and City Commission hereby authorize the City Manager or his designee to make any necessary reimbursements and/or expenditures of the aforesated sponsorships, as well as future sponsorships, in furtherance of and consistent with the aforesated Community Development Week events.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the City of Miami Beach's Community Development Week event serves a public purpose; that the Mayor and City Commission hereby accept the donations from Big Bus (in kind), Simply Healthcare (\$250), TD Bank (\$500) and Total Bank (\$500) in support of the City's Community Development Week activities; that the City Manager is hereby authorized to accept prospective sponsorships for this purpose, subject to ratification by the Mayor and City Commission; and that the City Manager is further authorized to make such expenditures and/or reimbursements from the aforestated sponsorships, in furtherance of and consistent with the aforestated public purpose event.

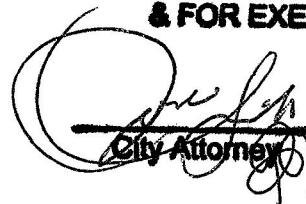
PASSED and ADOPTED this _____ day of _____, 2012.

ATTEST:

MAYOR

CITY CLERK

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

6/1/12

Date

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE AND APPROVING THE SUBSTANTIVE TERMS OF A PROPOSED LEASE AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND TEMPORARY ENTERTAINMENT, LLC, AS SET FORTH IN THE DRAFT AGREEMENT ATTACHED AS EXHIBIT "A" HERETO, FOR THE PRESENTATION OF "ORCHID," A LIVE THEATRICAL AND MUSICAL PERFORMANCE WITHIN A SPIEGELTENT, AND THE INSTALLATION OF ANCILLARY FOOD AND BEVERAGE SERVICES AND ENTERTAINMENT AREAS, ALL TO BE LOCATED AT THE COLLINS PARK SPOIL AREA BETWEEN 21ST AND 22ND STREETS, FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE FINAL LEASE AGREEMENT WITH TEMPORARY ENTERTAINMENT LLC, AND, IF SUCCESSFUL, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT, SUBJECT TO AND CONTINGENT UPON THE FOLLOWING CONDITIONS: 1) THE FINAL VERSION OF THE LEASE SHALL BE SUBJECT TO REVIEW AND SIGN OFF BY THE CITY ATTORNEY; AND 2) IN THE EVENT THAT THE CITY AND TEMPORARY ENTERTAINMENT, LLC DEEM IT NECESSARY TO INCLUDE ANY SUBSTANTIVE TERMS WHICH ARE NOT INCLUDED IN THE ATTACHED DRAFT AGREEMENT, THEN, PRIOR TO FINALIZING THE LEASE, THE CITY MANAGER SHALL BE REQUIRED TO BRING THE AGREEMENT BACK TO THE CITY COMMISSION; FURTHER INCORPORATING THE NEIGHBORHOODS AND COMMUNITY AFFAIRS COMMITTEE'S ADDITIONAL CONDITIONS AND RECOMMENDATIONS AS ALSO SET FORTH HEREIN.

WHEREAS, the Carnival Center for the Performing Arts (Carnival Center) opened in October 2006, which resulted in the larger more traditional performing arts groups producing their annual repertoire at the Carnival Center; and

WHEREAS, the City's Tourism and Cultural Development (TCD) Department has begun researching a variety of cultural programs to bring to the City to maintain the City's cultural niche, while differentiating ourselves from the mainland; and

WHEREAS, Temporary Entertainment, LLC's (Temporary Entertainment) "Orchid" is a circus themed cabaret show, featuring live amplified music, acrobatics, song, dance, and comedy performed in a Speigeltent; and

WHEREAS, the proposed show schedule for "Orchid" (although subject to change) is proposed to run from November 2012 – March 2013, with hours of operation from 12pm (noon) to 12am (midnight) Sunday – Thursday, and 12pm (noon) to 2 am, Friday and Saturday; and

WHEREAS, the City and Temporary Entertainment have negotiated a short-term Lease Agreement, a Draft which is attached as Exhibit "A" to this Resolution, to bring "Orchid" to the City; said Lease for a term commencing on November 1, 2012, through March 31, 2013; with the leased premises to be located at the Collins Park Spoil Area, between 21st and 22nd Streets; and for a weekly rent of three thousand dollars (\$3,000) for the first ten (10) weeks, and \$4,500 for the remaining eleven (11) weeks, not including utility usage; and

WHEREAS, Temporary Entertainment is working to create a free children's entertainment program and has created a resident and senior ticket program; and

WHEREAS, the Mayor and Commission referred this proposal to the Neighborhoods and Community Affairs Committee for discussion and the Committee, at its regular meeting on May 22, 2012, recommended in favor of the proposal, with the following caveats:

- that Art Basel Miami Beach must have the right of first refusal if it elects to use all or any portion of the proposed leased premises in conjunction with Art Basel 2012;
- that noise from the site be strictly controlled;
- that neighboring properties, as well as the Collins Park Neighborhood Association, also be in agreement with the proposal; and
- that valet parking and a traffic plan be provided by Temporary Entertainment, for the City's review and approval.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby accept the recommendation of the Neighborhoods and Community Affairs Committee and approve the substantive terms of a proposed Lease Agreement between the City of Miami Beach and Temporary Entertainment, LLC, as set forth in the draft agreement attached as Exhibit "A" hereto, for the presentation of "Orchid," a live theatrical and musical performance within a Spiegeltent, and the installation of ancillary food and beverage services and entertainment areas, all to be located at the Collins Park Spoil Area, between 21st and 22nd streets, further authorizing the City Manager to negotiate the final lease agreement with Temporary Entertainment LLC, and, if successful, approving and authorizing the Mayor and City Clerk to execute the agreement, subject to and contingent upon the following conditions: 1) the final version of the lease shall be subject to review and sign off by the City Attorney; and 2) in the event that the City and Temporary Entertainment, LLC deem it necessary to include any substantive terms which are not included in the attached draft agreement, then, prior to finalizing the lease, the City Manager shall be required to bring the agreement back to the City Commission; further incorporating the neighborhoods and community affairs committee's additional recommendations and conditions as also set forth herein.

PASSED and ADOPTED this _____ day of _____, 2012.

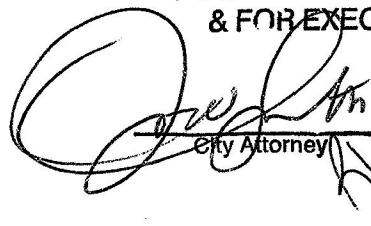
ATTEST:

CITY CLERK

MAYOR

T:\AGENDA\2012\6-6-12\Temporary Entertainment Spiegel Reso.doc

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

6/1/12

Date

Condensed Title:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY, AND THE FEDERAL BUREAU OF INVESTIGATION, MIAMI AREA CORRUPTION TASK FORCE, FOR THE PURPOSE OF IDENTIFYING AND PROSECUTING PUBLIC OFFICIALS AND LAW ENFORCEMENT OFFICERS INVOLVED IN PUBLIC CORRUPTION.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO NEGOTIATE AN AGREEMENT WITH THE MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL (MDCOIG), TO AUTHORIZE THE MDCOIG TO PROVIDE INDEPENDENT INVESTIGATIONS INTO CITY PRACTICES AND OPERATIONS IN ORDER TO PREVENT AND DETECT FRAUD, WASTE, FINANCIAL MISMANAGEMENT, EMPLOYEE MISCONDUCT OR OTHER ABUSES.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT IN THE NOT TO EXCEED AMOUNT OF \$45,000, WITH THE MIAMI-DADE COUNTY COMMISSION ON ETHICS AND PUBLIC TRUST, TO DEVELOP AND PROVIDE A COMPREHENSIVE ETHICS TRAINING PROGRAM FOR CITY EMPLOYEES WHO HOLD POSITIONS THAT ARE IN REGULATORY AREAS OF THE CITY.

A RESOLUTION AUTHORIZING THE ADMINISTRATION TO NEGOTIATE A PROFESSIONAL SERVICES AGREEMENT, IN AN AMOUNT NOT TO EXCEED \$150,000, WITH _____ FOR SERVICES RELATED TO AUDITING THE PROCESSES OF CERTAIN REGULATORY DEPARTMENTS OR DIVISIONS; AND SHOULD THE ADMINISTRATION NOT BE ABLE TO SUCCESSFULLY NEGOTIATE AN AGREEMENT WITH _____, AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH _____; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH THE SUCCESSFUL PROPOSER UPON COMPLETION OF NEGOTIATIONS BY THE ADMINISTRATION.

Key Intended Outcome Supported:

Increase Community Satisfaction with City Services; Increase Resident Satisfaction with Employee Contact; Attract and Maintain a Quality Workforce; and Ensure Expenditure Trends are Sustainable over the Long Term.

Supporting Data (Surveys, Environmental Scan, etc.): N/A

Issue:

Shall the Mayor and the City Commission approve the Resolutions?

Item Summary/Recommendation:

At the May 9, 2012 City Commission, four recommendations to promote clean government and to root out and/or prevent corruption were proposed by the City Manager. The City Commission voted to defer and refer these items to be discussed at the May 17, 2012 Finance and Citywide Projects Committee and/or the May 18-19, 2012 City Commission Retreat.

These items were proposed as a result of the April 11, 2012 arrest of seven city employees who were arrested by the Federal Bureau of Investigations (FBI) on charges, including conspiracy to commit extortion. These arrests and alleged misconduct by a few city employees represent a huge betrayal not only of the public's trust, but of our entire organization. In my Letter to Commission (LTC) #105-2012, dated April 24, 2012, the administration delineated actions taken and proposed to be taken to address issues raised by these arrests. Specifically, I proposed a five-point approach that is intended to support the City in our efforts to root out employee misconduct and corruption, and improve upon or create the necessary processes to prevent this from occurring again. One of the five actions has already been initiated; Commander Hernan Cardeno has been re-assigned from the Police Department to provide day-to-day oversight. In addition, a review of Code Compliance and Fire Inspection cases is also underway, being handled by our City's Internal Audit Division. The other four following proposed actions require Commission consideration and approval. These four recommendations remain as important today, and are submitted once again for your consideration:

- 1) Authorizing the City Manager and City Clerk to execute a Memorandum of Understanding between the City and the Federal Bureau of Investigation, Miami Area Corruption Task Force. This will enhance the City's ability to engage in public corruption investigations, and allows us to leverage the Task Force's resources in



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AGENDA ITEM

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this regard. The City was invited to participate in the Task Force. A proposed MOU is attached to the memo. The proposed MOU was discussed at the Finance and Citywide Projects Committee meeting of May 17, 2012. The Committee endorsed the City Manager's recommendation, as put forth on May 9th, and recommended approval of the proposed MOU.

- 2) Authorizing the City Manager and City Attorney to finalize the negotiations of an agreement with the Miami-Dade County Office of the Inspector General (MDCOIG), authorizing the MDCOIG to provide independent investigations into city practices and operations in order to prevent and detect fraud, waste, financial mismanagement, employee misconduct or other abuses. The MDCOIG would serve as the City's Inspector General and operate independently to initiate investigations, as well as respond to calls and complaints about potential wrongdoing. A draft scope of work is attached to the memo, and discussions continue with the MDCOIG on the terms of the engagement. Authorization for the City Administration, in conjunction with the City Attorney's office, to finalize negotiations is recommended. The final negotiated agreement would be brought back to the City Commission for approval.
- 3) Authorizing the City to enter into an agreement with the Miami-Dade County Commission on Ethics and Public Trust, to develop and provide a comprehensive ethics training program for city employees who hold positions that are in regulatory areas of the city. Each employee would receive 12.5 hours of specialized training over six months. A total of 230 employees would receive this training, and this program is in addition to the current training provided to all employees. The proposed program of work is attached to the memo. Commissioner Tobin was tasked with contacting the Director of the Commission on Ethics directly to discuss this further. I recommend that the City Commission approve the proposed program, as I previously proposed on May 9th.
- 4) Waiving competitive bidding and authorizing a professional services agreement, in an amount not to exceed \$150,000, with a qualified firm for services related to auditing the processes of certain regulatory departments or divisions. This follows the same approach I took with the external audit of the Building Department by Watson Rice a few years ago. The scope includes, but is not limited to, reviewing organizational structure and culture, internal controls, processes, and operations. Departments/divisions to be reviewed include the Code Compliance Division; Fire Inspection process; Parking Enforcement Division; Fire Prevention Division; Public Works Department (permitting processes only); Planning Department (permitting process, concurrency fees, impact fees and other related areas); and Special Master Process. A draft scope of work is attached to the memo. At the May 17th Finance and Citywide Projects Committee meeting, the Committee approved the issuance of an request for "Expressions of Interest" from identified firms and recessed the Committee until June 1st. That solicitation resulted in the receipt of six responses, which were reviewed by the Committee on June 1st. Two firms were selected for interviews on June 5, when the Committee will once again reconvene to select one firm to recommend to the full Commission.

The four recommended actions are as important today as they were on May 9th. It is recommended that the Mayor and City Commission approve all four resolutions.

Advisory Board Recommendation:

Finance and Citywide Projects Committee on May 17, 2012 (continued to June 1 and June 5); Commission Retreat, May, 2012.

Financial Information:

Source of Funds:		Amount	Account	Approved
	1	\$150,000 (Audit)	TBD	
	2	\$ 45,000 (Ethics)	TBD	
	3	TBD (MDCOIG)	TBD	
	Total	\$195,000		

OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		JMG 



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: June 6, 2012

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY, ON BEHALF OF ITS POLICE DEPARTMENT, AND THE FEDERAL BUREAU OF INVESTIGATION, MIAMI AREA CORRUPTION TASK FORCE, FOR THE PURPOSE OF IDENTIFYING AND PROSECUTING PUBLIC OFFICIALS AND LAW ENFORCEMENT OFFICERS AT THE FEDERAL, STATE, AND LOCAL LEVELS OF GOVERNMENT INVOLVED IN PUBLIC CORRUPTION THROUGHOUT THE SOUTHERN DISTRICT OF FLORIDA.**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO NEGOTIATE AN AGREEMENT WITH MIAMI-DADE COUNTY, ON BEHALF OF THE MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL (MDCOIG), TO AUTHORIZE THE MDCOIG TO PROVIDE INDEPENDENT INVESTIGATIONS INTO CITY PRACTICES AND OPERATIONS IN ORDER TO PREVENT AND DETECT FRAUD, WASTE, FINANCIAL MISMANAGEMENT, EMPLOYEE MISCONDUCT, OR OTHER ABUSES.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT IN THE NOT TO EXCEED AMOUNT OF \$45,000, WITH MIAMI-DADE COUNTY, FLORIDA, ON BEHALF OF THE MIAMI-DADE COUNTY COMMISSION ON ETHICS AND PUBLIC TRUST, TO DEVELOP AND PROVIDE A COMPREHENSIVE ETHICS TRAINING PROGRAM FOR CITY EMPLOYEES WHO HOLD POSITIONS THAT ARE IN REGULATORY AREAS OF THE CITY.

A RESOLUTION AUTHORIZING THE ADMINISTRATION TO NEGOTIATE A PROFESSIONAL SERVICES AGREEMENT, IN AN AMOUNT NOT TO EXCEED \$150,000, WITH _____ FOR SERVICES RELATED TO AUDITING THE PROCESSES OF CERTAIN REGULATORY DEPARTMENTS OR DIVISIONS; AND SHOULD THE ADMINISTRATION NOT BE ABLE TO SUCCESSFULLY NEGOTIATE AN AGREEMENT WITH _____, AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH _____; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH THE SUCCESSFUL PROPOSER UPON COMPLETION OF NEGOTIATIONS BY THE ADMINISTRATION.

ADMINISTRATION RECOMMENDATION

Adopt the Resolutions.

KEY INTENDED OUTCOMES SUPPORTED

Increase Community Satisfaction with City Services; Increase Resident Satisfaction with Employee

Contact; Attract and Maintain a Quality Workforce; and Ensure Expenditure Trends are Sustainable over the Long Term.

BACKGROUND

On April 11, 2012, five (5) Code Compliance and two (2) Fire Department employees were arrested by the Federal Bureau of Investigations on charges including conspiracy to commit extortion. These arrests and alleged misconduct by a few city employees represent a huge betrayal not only of the public's trust – but of our entire organization. Their irresponsible actions have now cast a negative light on the vast majority of our employees, who are hard working, dedicated men and women committed to our mission of public service. They also paint an unfair picture of the hard work and efforts by the Mayor and City Commission to provide honest guidance and vision for this community.

The LTC also delineated the administration's actions subsequent to the arrests. More specifically, I proposed a *five-point approach* intended to support the City in its efforts to root out employee misconduct and corruption, and improve upon or create the necessary processes to prevent this from occurring again. One of the five actions has already been implemented; Commander Hernan Cardeno has been re-assigned from the Police Department to assist the Code Compliance Division by providing day-to-day oversight of the staff. In addition, a review of Code Compliance and Fire Inspection cases is also underway, being handled by our City's Internal Audit Division of the Office of Budget and Performance Improvement. Commissioner Weithorn met with me and staff to discuss potential approaches to this internal review, and we will continue to seek her suggestions and input as that process proceeds.

The other four proposed actions require Commission consideration and approval. These items were briefly discussed during the May 9, 2012 City Commission meeting, with only one item being approved at that time, pending further discussion. Subsequently, three of the items have been discussed, at some level, at either Committee meeting, or at the Commission Retreat. They are once again submitted for your review, consideration and approval.

1. MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE FEDERAL BUREAU OF INVESTIGATION, MIAMI AREA CORRUPTION TASK FORCE

The Miami Division of the Federal Bureau of Investigation (FBI) has established the Miami Area Corruption Task Force (MACTF) for the purpose of maximizing inter-agency cooperation and formalizing relationships between the participating agencies, for purposes of coordinating policy guidelines, planning, training and public relations relative to public corruption. The mission of the MACTF is to identify significant Public Corruption investigations throughout the Southern District of Florida. The MACTF consists of a specialized group of investigators and prosecutors who are responsible for the identification, investigation, prosecution, and forfeiture of all assets involved in such cases. The MACTF also works to identify and develop new cases of corruption by both Public Officials and Law Enforcement Officers on the Federal, State, and Local levels of government. It is intended to enhance the effectiveness of Federal, State and local law enforcement resources through coordinated initiatives, using the most effective investigative and prosecution avenues to investigate, convict and incarcerate offenders.

Current MACTF members include the Federal Bureau of Investigation; City of Miami Police Department; United States Attorney's Office - Southern District of Florida; United States Department of Housing and Urban Development - Office of Inspector General; United States Department of Transportation - Office of Inspector General; Internal Revenue Service - Criminal Investigation Division; City of Hialeah Police Department; and the United States Environmental Protection Agency - Office of Inspector General. Participation in the MACTF allows the participating agencies to utilize the task force as a force multiplier.

In the course of discussions relating to the recent arrests, the City Manager, the Miami Beach Police

Department (MBPD) and the FBI discussed the City's participation in the MACTF. Both the FBI and the City felt that this was a mutually beneficial partnership, as it establishes an ongoing relationship between these two law enforcement entities. The invitation for the MBPD to participate also demonstrates the FBI's confidence and trust in our Police Department's leadership and investigative staff.

The proposed Memorandum of Understanding (MOU) between the City and the FBI was discussed at the Finance and Citywide Projects Committee at their May 17, 2012 meeting. Chief Raymond A. Martinez and FBI Supervisory Special Agent John Jimenez, supervisor of the Public Corruption Task Force, were in attendance to discuss the details of the MOU and requirements for participating in MACTF.

Participation in the MACTF will benefit the City and the MBPD by providing access to the full benefit of the Task Force's investigatory support and capabilities to attack corruption now and in the future in Miami Beach. The proposed Memorandum of Understanding (MOU) between the FBI and the City of Miami Beach on behalf of the MBPD (ATTACHMENT 1), would allow the City to assign a sworn police officer full time to the MACTF to work in conjunction with their personnel in investigating and prosecuting public corruption. Participation in the MACTF will benefit the City and the MBPD by providing access to the full benefit of the Task Force's investigatory support and capabilities to attack corruption now and in the future on Miami Beach. In addition to the assigned officer, other Police Department investigative personnel will also be deputized to have special training and clearance to work with MACTF.

The term of the MOU is for the duration of the MACTF operations, and can be terminated at any time upon written mutual consent of the agencies involved. There is no additional cost associated with the City's participation in the MACTF beyond the City's continued funding of the full time sworn officer. The FBI covers costs associated with providing a car (including fuel), phone, training, and reimbursement of overtime. Additionally, the City will participate in the distribution of funds from any seizures.

As part of MACTF, the officer would be under the FBI's supervision, and would report to the Internal Affairs chain of command. Special Agent Jimenez explained that the reporting done would be FBI reports, which could not be disseminated outside of the FBI without the FBI's approval. Communication with the Miami Beach Chief of Police would be done on a "need to know" basis; would depend on the scope of the case; and would be left to up to his discretion. Although there is no time commitment required for participation, Special Agent Jimenez stated that since there is a learning curve in investigating public corruption and FBI procedures, that his recommendation would be a minimum of a three to five year commitment.

As a result of the discussion, the Committee endorsed the City Manager's recommendation, as put forth at the May 9, 2012 City Commission meeting, and recommended approval of the Memorandum of Understanding (MOU), and that the item be brought to the full Commission on June 6, 2012.

2. AGREEMENT BETWEEN THE MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL AND THE CITY, TO PROVIDE INDEPENDENT INVESTIGATIONS INTO CITY PRACTICES AND OPERATIONS IN ORDER TO PREVENT AND DETECT FRAUD, WASTE, FINANCIAL MISMANAGEMENT, EMPLOYEE MISCONDUCT OR OTHER ABUSES.

As you have been advised, shortly after the news of the arrests, the Mayor and I reached out to Miami-Dade County Inspector General Christopher R. Mazzella about the possibility of the Miami-Dade County Office of the Inspector General (MDCOIG) providing our City with their services to investigate and review allegations of waste, fraud, abuse, employee misconduct and mismanagement. It is my belief that it is important that employees, residents and business owners alike report conduct that is not consistent with the integrity we expect of our public servants and, when doing so, those reporting such activities must feel confident that their call and concerns will be properly investigated. Likewise, it is beneficial for the City to have available an independent process to investigate any reported fraud or employee misconduct, such as concerns with the City's procurement and regulatory functions, especially as it relates to matters

that may not rise to the level necessitating the FBI's involvement. The Mayor and I met with Mr. Mazella and his staff on April 18, 2012, to discuss the possibility of a formal relationship between his office and our City. The Inspector General was receptive to such an engagement and we began laying out the basis of an engagement agreement.

As you may know, the MDCOIG was created in 1998 by the Miami-Dade County Commission, through County Ordinance, and has the authority to "review past, present and proposed County and Public Health Trust programs, accounts, records, contracts, and transactions. The MDCOIG investigates allegations of fraud, waste, abuse and misconduct amongst public officials and County employees, as well as contractors and vendors doing business with the County."

To carry out this function, the MDCOIG is empowered with the ability to require the production of documents and records in the possession and control of the County, and has the power to issue subpoenas, where necessary. The MDCOIG can also require reports from any County official, County agency or instrumentalities regarding any matter in its jurisdiction; to report on and recommend to County government on whether a particular program, contract or transaction is financially sound, reasonable, necessary or operationally deficient; to conduct random audits; and to provide general oversight of department programs and large-scale construction projects. The MDCOIG has oversight of over 40 county departments, including Aviation, the Seaport, Transit, Housing, Community and Economic Development, Water and Sewer, Solid Waste, Public Works and the Public Health Trust (JMH). Since 2007, the MDCOIG has been serving as the Inspector General for the Miami-Dade County School Board through an Interlocal Agreement. The MDCOIG's powers do not extend to municipalities.

A proposed Agreement between the City and Miami-Dade County, on behalf of the MDCOIG, would authorize the MDCOIG to provide similar services to the City. Staff members from the MDCOIG, City Administration, City Attorney's Office and I began working to refine a proposed Agreement setting forth the authorized powers and duties of the Inspector General, if contracted to provide these services to our City. As we are the first municipality to propose this type of an engagement with the MDCOIG, no existing template for that type of Agreement exists. The negotiated Agreement would be brought back to the City Commission in for final approval. Please refer to the attached DRAFT Scope of Services for this Agreement (ATTACHMENT 2).

The following generally describes the role of the Inspector General and the scope of services that would be contemplated to be provided through the Agreement, to be further negotiated:

- It is intended that the organization and administration of the MDCOIG will be sufficiently independent to assure that no interference or influence external to the MDCOIG adversely affects the independence and objectivity of the Inspector General. The Inspector General considers this an integral component of any engagement with their office.
- The MDCOIG may exercise any of the responsibilities, functions and authorities contained in the Agreement upon his or her own initiative.
- The Mayor and Commission, City Manager, City Attorney, City's Internal Auditor and Miami Beach Police will cooperate with the MDCOIG to achieve the goals of preventing and detecting fraud, waste, financial mismanagement, employee misconduct or other abuses, and promoting accountability, integrity, economy, and efficiency in government.

It would be anticipated that, subject to any limitations which may be specifically delineated in the Agreement, the MDCOIG would be authorized by the City to:

- Serve as the Inspector General for the City during the term of the Agreement.
- Randomly or in response to complaints, conduct any reviews, audits, inspections, investigations or analyses relating to departments; offices; committees; activities; accounts; records; procurement processes (e.g. how bid specifications were established; how the bid process was managed; and the activities of the prospective bidder, its officers, agents and employees,

lobbyists, City staff, and elected officials); contracts; transactions; past/present/future programs and agencies of the City; employee compliance with established policies and/or standard operating procedures of the City (including the operations of departments or divisions of the City with regulatory oversight of city/state/federal codes such as, but not limited to, fire, parking, planning and zoning, building, property maintenance, noise, etc.); and allegations of employee misconduct.

- Require reports and the production of records from the Mayor, Commission, City Manager, City officers, employees (*except any files or reports relating to litigation that are subject to attorney-client or other similar privilege*) and entities under contract with the City.
- Staff and support a "hotline," which shall be operational throughout the duration of this Agreement, to accept calls from individuals reporting alleged fraud, waste, financial mismanagement, employee misconduct or other abuses. Such hotline shall be advertised by the City.

The MDCOIG will not, whenever possible, duplicate the work of the City's Internal Auditor, Miami Beach Police Department Internal Affairs Division, Miami Beach Human Resources Department, City Commission, City Manager and City Attorney, or of the State Attorney's Office or Miami-Dade County Commission on Ethics. It is understood, however, that the MDCOIG's audits, investigations, inspections and reviews may from time to time address the same or similar issues or activities being reviewed by the aforementioned entities. In such cases, the MDCOIG's audits, investigations, inspections and reviews will be conducted separately and independently from those entities, and upon conclusion, the MDCOIG, where appropriate, will refer the disposition or finalization of any audit, investigation, inspection or review to the appropriate City entity for any additional action.

The MDCOIG understands the concerns that have been raised by the City Attorney's Office with regards to privileged information, in particular when it may involve litigation against Miami-Dade County. Language to address this concern has been discussed with the City Attorney and would be further flushed out for inclusion in the final Agreement.

The proposed Agreement would be for a term of three (3) years from date of execution by all parties, and would be renewable for an additional term; any additional term would be determined and agreed upon by both Parties. The Agreement may be terminated for any reason, including convenience, by either party by thirty (30) days' written notice to the other party.

We continue to discuss the proposed engagement with the MDCOIG and would request that the City Commission authorize the City Manager's office, in coordination with the City Attorney's office, to continue to negotiate the proposed scope of services for the Commission's future consideration.

3. AGREEMENT WITH THE MIAMI-DADE COUNTY COMMISSION ON ETHICS AND PUBLIC TRUST, TO DEVELOP AND PROVIDE A COMPREHENSIVE ETHICS TRAINING PROGRAM FOR CITY EMPLOYEES WHO HOLD POSITIONS THAT ARE IN REGULATORY AREAS OF THE CITY.

As you know, on April 13, 2012, immediately following the arrests, I contacted the Miami Dade County Commission on Ethics and Public Trust (Commission on Ethics) and spoke to their Executive Director and General Counsel Joseph M. Centorino about having the Commission on Ethics assist the City of Miami Beach with specialized ethics training for all city employees in regulatory functions. While the City currently provides and requires ethics training for all City employees, I believe that additional, tailored ethics training focused on the issues and challenges faced by all of our regulatory employees in the Building, Code Compliance, Fire, Parking, Planning and Police Departments was and is necessary.

On April 19, 2012, Mayor Bower and I along with other city staff met with several senior-level staff members from the Commission on Ethics including Mr. Centorino and Deputy General Counsel Miriam Ramos, to discuss this comprehensive ethics training. On April 23, 2012, Michael Murawski, Advocate

for the Commission on Ethics had separate and individual meetings with senior-level staff from the city's Code Compliance, Fire, Parking, Organizational Development, and Internal Audit areas to gather additional information and details about the city's past and intended efforts pertaining to training on ethics, particularly for the employees in the regulatory areas of the city.

By way of further background, in 2004, I appointed a team from throughout the city to develop curriculum and deployment strategies for each of the city's priority training areas which include: ethics, diversity, sexual harassment, customer service and team building. Course content was developed in consultation with the Human Resources Department, the Miami-Dade Commission on Ethics, the Office of the City Attorney, and other external subject-matter experts. Training in each of these areas was geared specifically to each city department and made available to all city staff. By 2008, all employees were required to attend these trainings (employees are required to attend the Ethics course every two years). In addition, in 2011, an on-line electronic learning system was procured which allows the city to provide access to all employees of these required trainings 24-hours-7-days-a-week. The city is in the process of making this system available to all employees this month.

The training that has been discussed with the Commission on Ethics would provide additional, specific and much more in-depth training to all employees who are in a regulatory area of the city. For now, the Commission on Ethics has been asked to first focus on employees in the Code Compliance, Building, Planning, Fire (Inspections) and Parking (Enforcement) areas of the city. It is expected that in the near future, a similar training program will be provided to other city employees. Attached is the proposal submitted by the Commission on Ethics (ATTACHMENT 3). The proposal includes:

- 1) Multiple sessions of intensive and interactive training for all employees and supervisors engaged in the areas of (1) fire inspection; (2) parking enforcement; (3) building inspection; (4) code enforcement; and (5) planning. Each employee would receive approximately 12.5 hours of training.
- 2) Training for approximately 230 employees.
- 3) The Commission on Ethics is prepared to design, conduct and conclude the initial training within six months.

The proposed sessions include the following over the six months of training (provided through approximately 12.5 hours of training, per employee):

1. Introduction to Ethics – Interactive lecture and discussion led by staff from the Commission on Ethics on public service ethics, governmental organizational culture and professionalism.
2. Provide a detailed presentation on the code of ethics requirements for public employees emphasizing issues such as gifts, conflict of interest, and exploitation provisions particularly relevant to employees engaged in a regulatory role. These will be illustrated with case examples.
3. Presentation and discussion of legal and administrative consequences of illegal and unethical activity by public servants, including the participation of former public employees whose conduct led to termination.
4. Presentation on the laws that govern bribery, including a discussion of illustrative criminal cases from Miami-Dade County and elsewhere.
5. Presentation and discussion on the special integrity challenges presented by the regulatory environment in the City of Miami Beach, including presentations by a retired management-level employee of a local government municipality.
6. Interactive group discussion led by staff from the Commission on Ethics on six hypothetical scenarios directly relevant to issues confronting regulatory personnel.
7. Design and implement a "train the trainer" program for supervisory level staff which addresses the need for an on-going strategy necessary for building an ethical organizational culture with oversight controls and in-service ethics training throughout city departments.
8. Private and confidential one-on-one sessions to be conducted with all regulatory employees by staff from the Commission on Ethics to discuss and address past and future ethical concerns

raised by their personal and professional experiences and providing each of them with an opportunity to suggest changes and/or improvements in the workplace that could help create a stronger ethical climate.

9. The Commission on Ethics will issue a final report summarizing all the training sessions and include recommendations for follow-up training and implementation of long-term management strategies to help prevent future corruption.

The cost estimate for the proposed training by the Commission on Ethics is \$45,000. Given that there are approximately 230 employees that would participate in all of the trainings described above, the per-person cost for the six month period (12.5 hours per employee) would be approximately \$195.65 per employee, or \$15.65 per hour of training.

As you may recall, at the May 9, 2012, City Commission meeting, Commissioner Tobin was tasked with contacting Mr. Centorino directly to discuss this proposal further.

It continues to be the Administration's recommendation that the Mayor and Commission approve the proposed enhanced ethics training program, as delineated above.

4. NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH A QUALIFIED FIRM FOR SERVICES RELATED TO AUDITING THE PROCESSES OF CERTAIN REGULATORY DEPARTMENTS OR DIVISIONS.

As you may recall, at the April 16, 2008 City Commission Meeting, the Commission authorized the hiring of an outside auditor to perform an audit of the operations and processes of our Building Department. At that meeting, the Commission appointed Commissioner Deede Weithorn to work with the administration to develop the scope of work for this process, and to assist the administration in identifying/selecting a firm and negotiating an agreement for services. After meetings with various consultants, Watson Rice was subsequently selected to perform the organizational review and operational analysis; their report provided specific recommendations to improve the operations of our building development process. Similar audits for other City departments and divisions have been discussed since then, including for the Capital Improvements Projects Office, Code Compliance Division and Parking Enforcement.

At the May 9, 2012 City Commission Meeting, the Administration presented a memorandum which, in part, would have waived the competitive bidding requirement, by 5/7ths vote, and authorizing the City Manager to negotiate and execute a Professional Services Agreement (PSA), in an amount not to exceed \$150,000, with a qualified firm, for services related to auditing the processes of certain regulatory departments or divisions. The process recommended by the Administration mirrored that of the process used to select and hire Watson Rice to conduct an organizational review and operational analysis of the Building Department in 2008.

The functional areas to be covered under the proposed PSA included the Code Compliance Division; Fire Inspection process; Parking Enforcement Division; Fire Prevention Division; Public Works Department (permitting processes only); Planning Department (permitting process, concurrency fees, impact fees and other related areas); and Special Master Process. While all of these reviews are important, the Administration proposed to prioritize and complete the audits of the Code Compliance Division, Fire Inspection process and Parking Enforcement Division first.

In order to expedite this process, an initial meeting was convened on April 23, 2012 to discuss the potential scope of such an audit. The attendees included Commissioner Weithorn and Dr. Morris Sunshine (both of whom offered their assistance); Hilda Fernandez, Assistant City Manager; Kathie Brooks, Director of the Office of Budget and Performance Improvement; Patricia Walker, Chief Financial Officer; Stephen Scott, Building Director; Kristin Tigner, Assistant Building Director; Robert Santos-Alborna, Code Compliance Division Director; and Hernan Cardeno, Division Commander assigned to the

Code Compliance Division.

Based on the input from the participants in this meeting, it was concluded that the minimum criteria necessary for a firm to conduct these audits would include the following:

- experience with similar regulatory systems, including dispatch-based processes;
- that it be a Florida Firm (registered in the State of Florida), preferably with a South Florida office; and
- that Staff assigned to the project from the successful firm must have at least one of the following certifications:
 - certified public accountant;
 - certified fraud examiner;
 - certified fraud specialists; or
 - certified public auditor.

An expedited timeline was envisioned for the component of the review relating to the Code Compliance Division, Fire inspections and Parking enforcement, with complete reviews of these three areas within 120 days of contract execution, with separate final reports to follow on each individual area of review within 30 days. The balance of the areas for review would follow a timeline to be determined at the time of PSA execution. If a contract is successfully negotiated by the end of June, field work on the first three audit areas could take place between July and October, with final reports for those three areas due in November. A timeline for the completion of the external audit of all other areas would be developed with the selected firm. (Attachment 4) includes the DRAFT scope of services proposed at the May 9, 2012 City Commission meeting.

Additionally, it was recommended that Commissioner Weithorn be designated to assist the Administration in developing the short list of questions that the interested firms would respond to; reviewing and selecting the firm; negotiating the engagement agreement; and serving as a liaison to the Administration during the audit process.

At the May 9, 2012 City Commission meeting, the City Commission approved the waiver of competitive bidding, but referred the concept of the performance audit to the May 17, 2012 meeting of the Finance and Citywide Projects Committee (Committee), where the Committee (and any other members of the City Commission who wished to participate) would further refine the proposed scope, have the Administration develop the appropriate purchasing mechanism(s), and bring the item back to the City Commission at its June 6, 2012 meeting.

At the May 17, 2012 Committee meeting, the Administration was directed to send out a request for "Expressions of Interest" from identified firms. The Committee meeting was recessed until Friday, June 1, 2012, when the Committee would reconvene to review the responses from firms, and determine which ones would be interviewed. The original deadline for responses was at 4:00 pm on Tuesday, May 29, 2012. The deadline was extended to 4:00 pm on Thursday, May 31, 2012. Attachments 5, 6, and 7 are the original request for Expression of Interest, and two deadline extensions that were sent to the various firms. The request for Expression of Interest was sent to the following firms:

- | | |
|----------------------------------|-----------------------------------|
| • TCBA Watson Rice | • Berman Hopkins Wright and Laham |
| • Marcum | • Deloitte and Touche |
| • International Data Consultants | • Carr, Riggs and Ingram |
| • Ernst and Young | • Cherry, Bekaert and Holland |
| • McGladrey | • KPMG |

The following firms submitted responses by the deadline of Thursday, May 31, 2012, at 4:00 pm.:

- | | |
|--|-------------------------------|
| • TCBA Watson Rice | • McGladrey |
| • Marcum | • Cherry, Bekaert and Holland |
| • Process Design and Development (PD2) | • Crowe Horwath |

The Finance and Citywide Projects Committee met on Friday, June 1, 2012, to review the responses and determine which firms they would shortlist to interview. The Committee decided to interview Crowe Horwath and TCBA Watson Rice. The Committee will interview firms on Tuesday, June 5, 2012 at 1:00 pm. A memorandum will be distributed in the Supplemental Agenda with the Finance and Citywide Projects Committee's recommendation as to which firm they will recommend for the PSA.

As I did on May 9, 2012, I recommend that the Mayor and City Commission proceed with the outside performance audit as soon as the PSA with the selected firm is approved and finalized.

CONCLUSION

As you know, in the past I have initiated investigations of criminal misconduct whenever any information has come to my attention – several years ago when I received information about our Building Department, and most recently about our Procurement Director. I have sought out assistance from the State Attorney's Office and the Miami Beach Police Department, and even allocated investigative resources to ensure that criminal behavior is rooted out and removed from our organization. As I have advised you, I spoke with U.S. Attorney for the Southern District of Florida, Wifredo Ferrer, and assured him that the City will continue to provide its full support to his office and the FBI as the investigation continues. I and others from the City have met with representatives from the FBI on several occasions since April 11th to assist in their investigation and provide any information they have requested.

The Administration once again recommends that the Mayor and City Commission approve the attached resolutions which will assist the City is further identifying any internal weaknesses and process improvement needs, in particular in our departments and divisions with regulatory roles, and in rooting out inappropriate conduct at any level of this government. In summary, this includes:

- 1) Authorizing the City Manager and City Clerk to execute a **Memorandum of Understanding between the City and the Federal Bureau of Investigation**, Miami Area Corruption Task Force;
- 2) Authorizing the City Manager and City Attorney to **finalize the negotiations of an agreement with the Miami-Dade County Office of the Inspector General (MDCOIG)**, authorizing the MDCOIG to provide independent investigations into city practices and operations in order to prevent and detect fraud, waste, financial mismanagement, employee misconduct or other abuses;
- 3) Authorizing the City to enter into an **agreement with the Miami-Dade County Commission on Ethics and Public Trust**, to develop and provide a comprehensive ethics training program for city employees who hold positions that are in regulatory areas of the city; and
- 4) Authorizing the Administration to negotiate a **Professional Services Agreement**, in an amount not to exceed \$150,000, with _____ for services related to **performance auditing of the processes of certain regulatory departments or divisions**; and should the Administration not be able to successfully negotiate an agreement with _____, authorizing the Administration to enter into negotiations with _____; authorizing the Mayor and City Clerk to execute an agreement with the successful proposer upon completion of negotiations by the Administration.

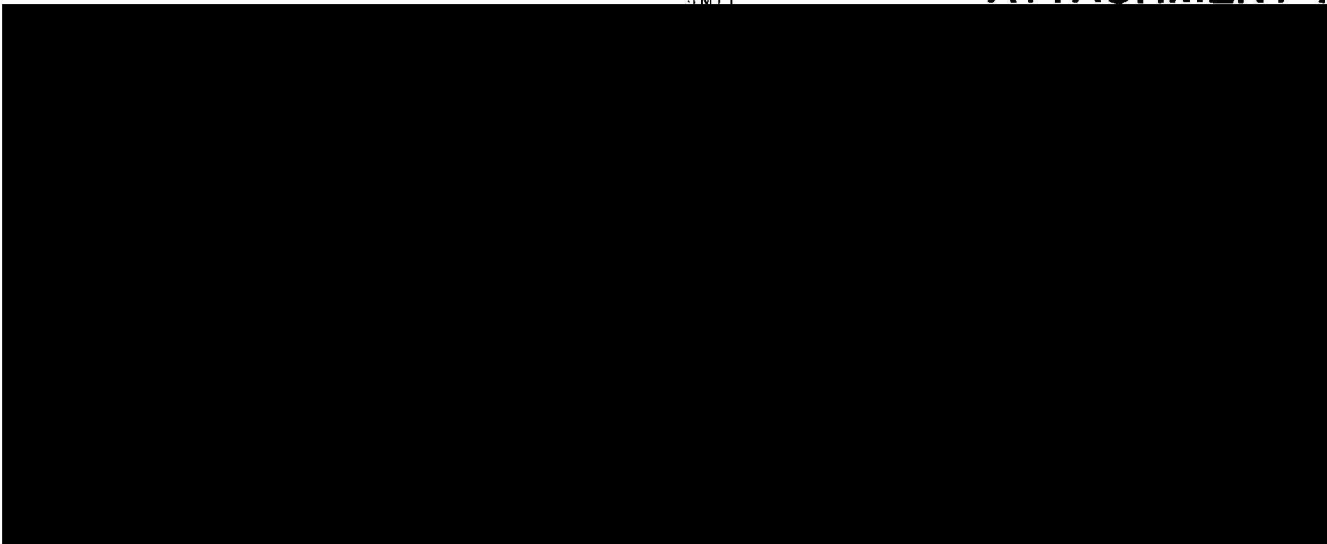
These steps remain as important today as they were on May 9, 2012, and I urge your approval so that the City may promptly implement these initiatives.

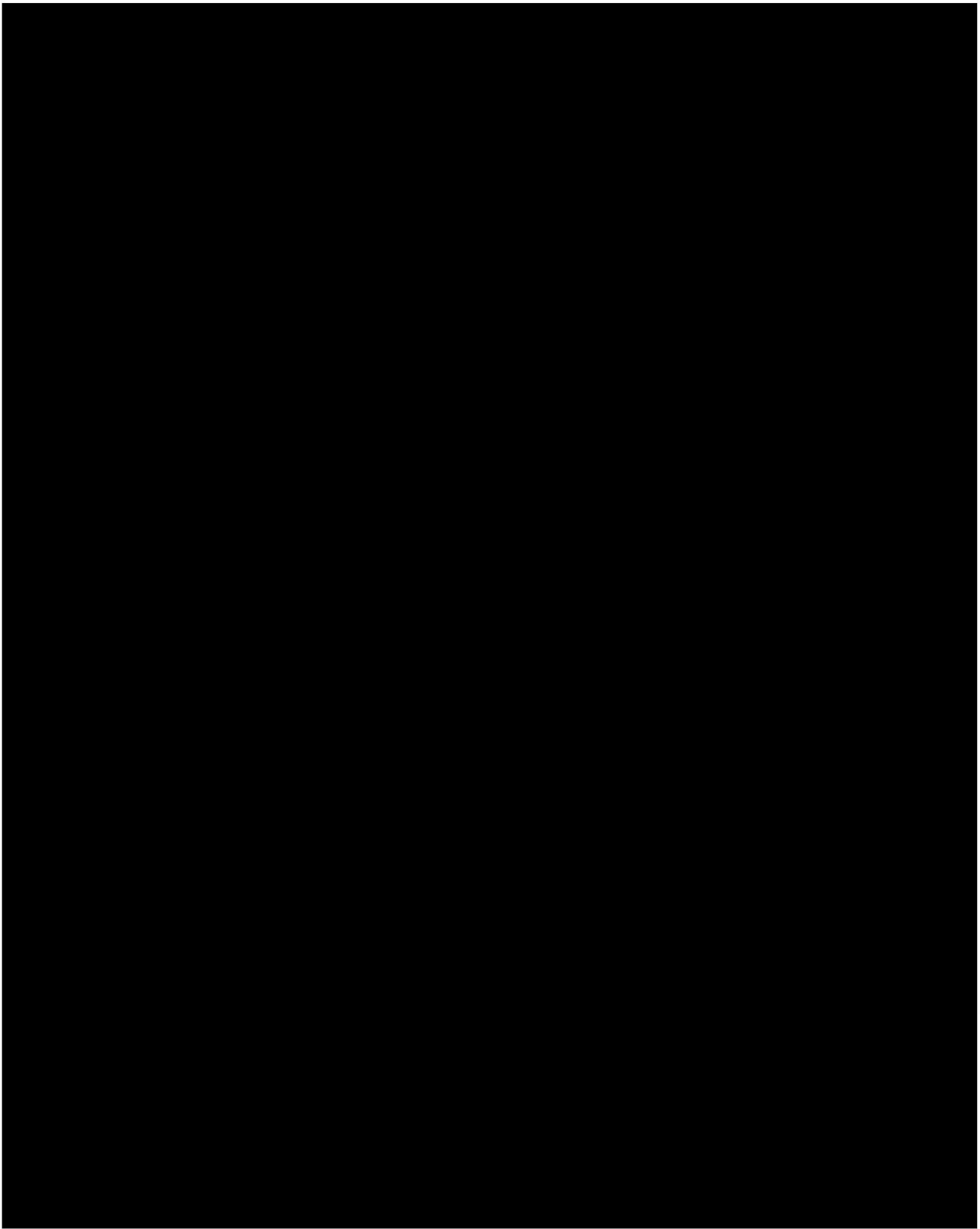
ATTACHMENTS

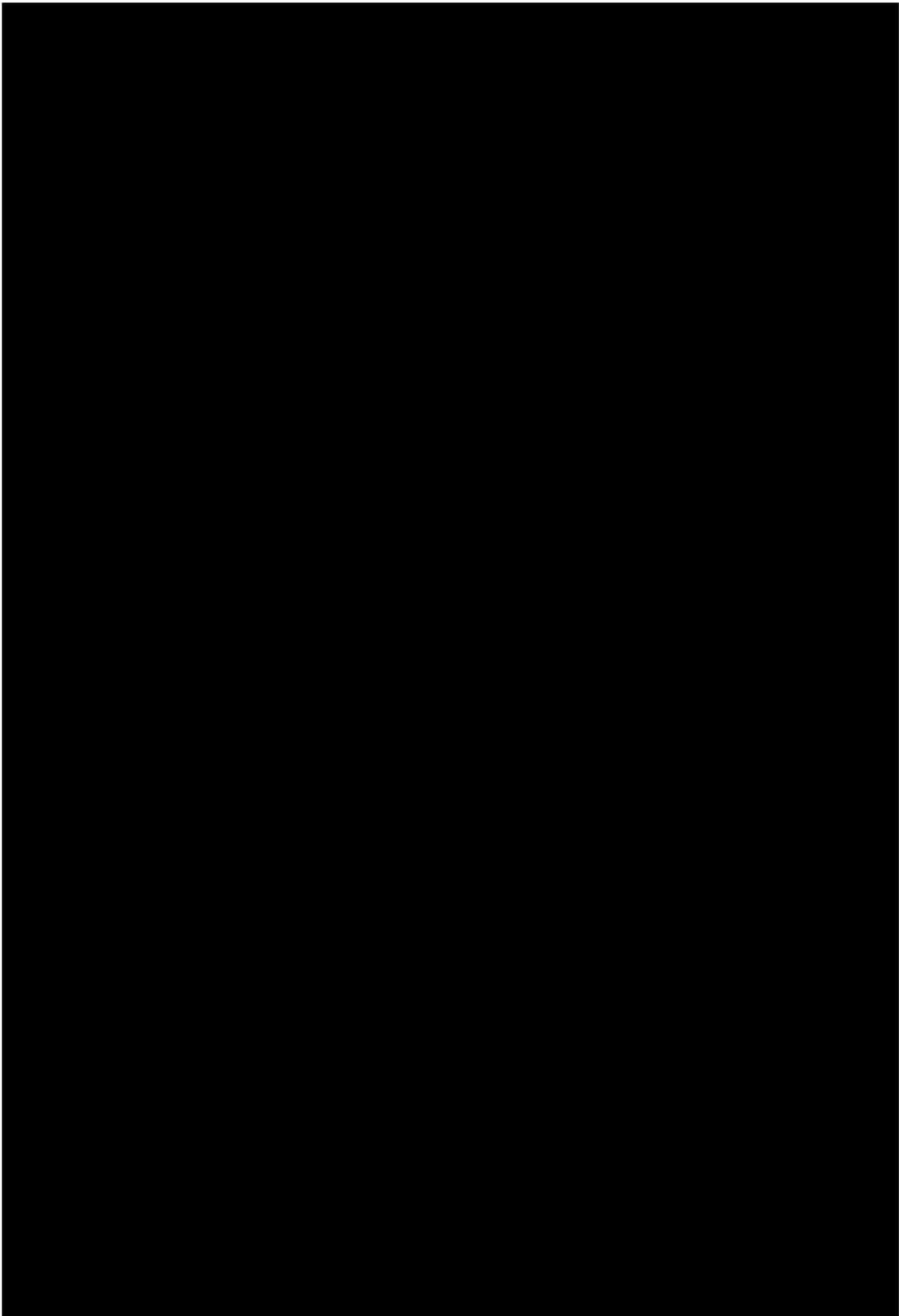
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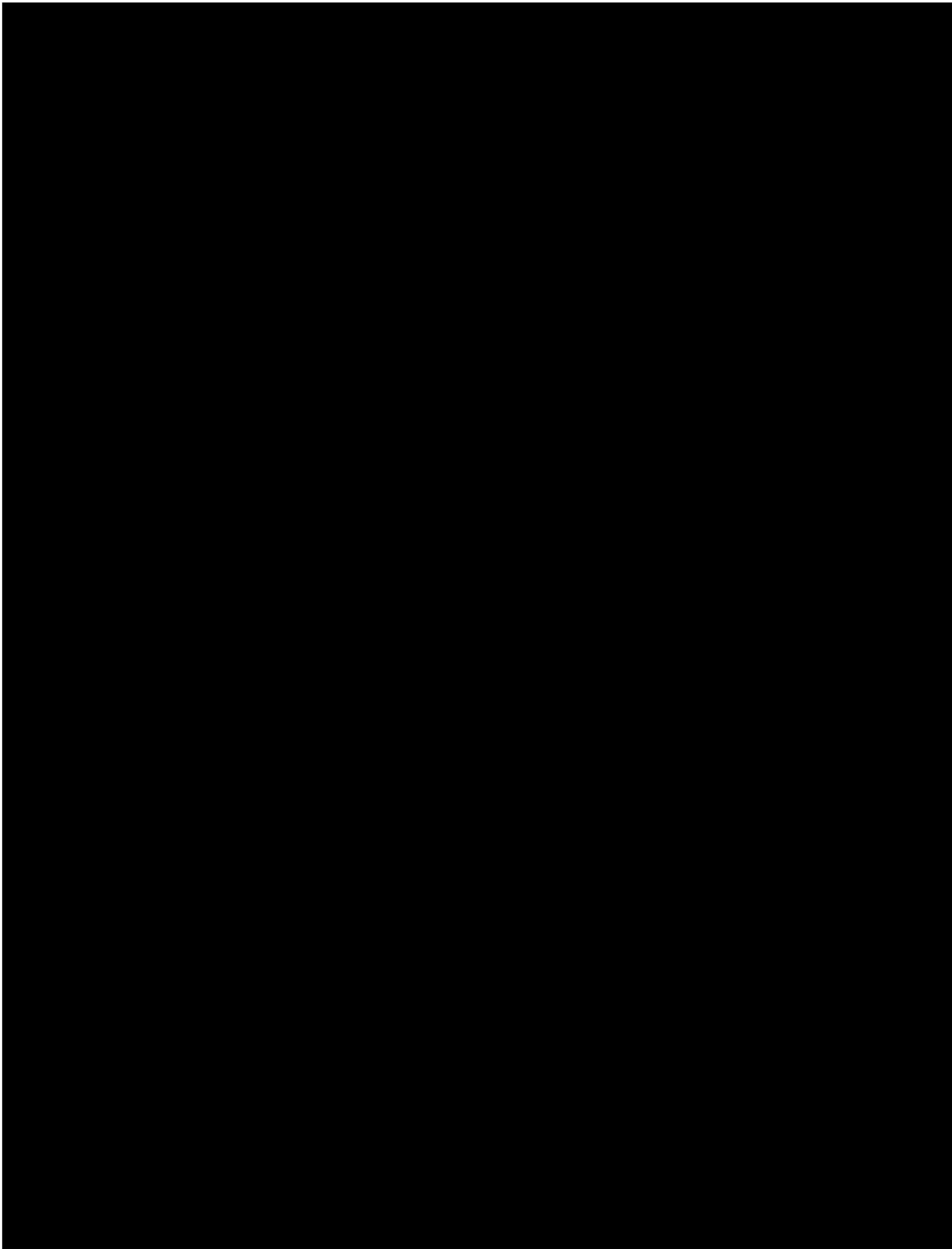
ATTACHMENT 1

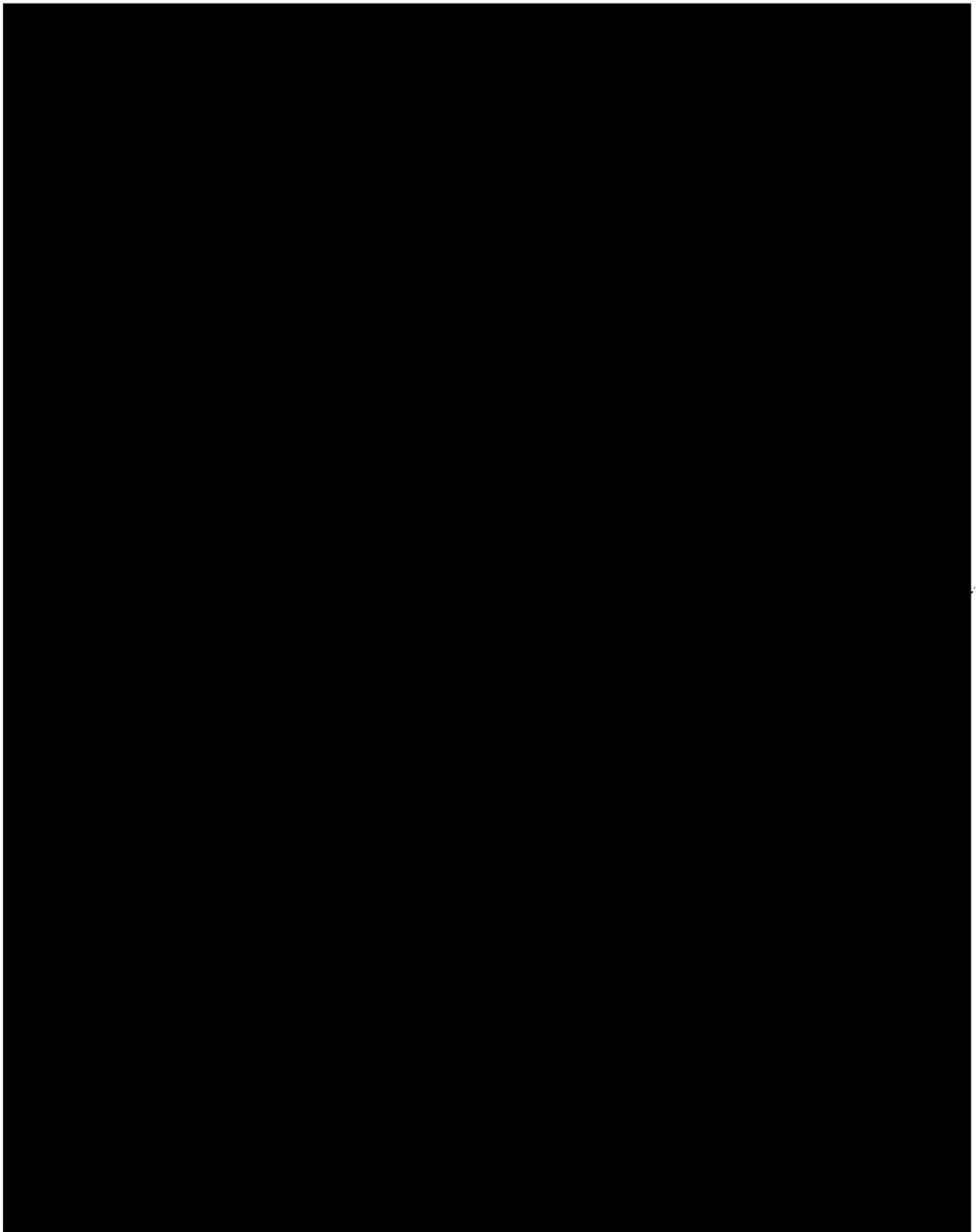
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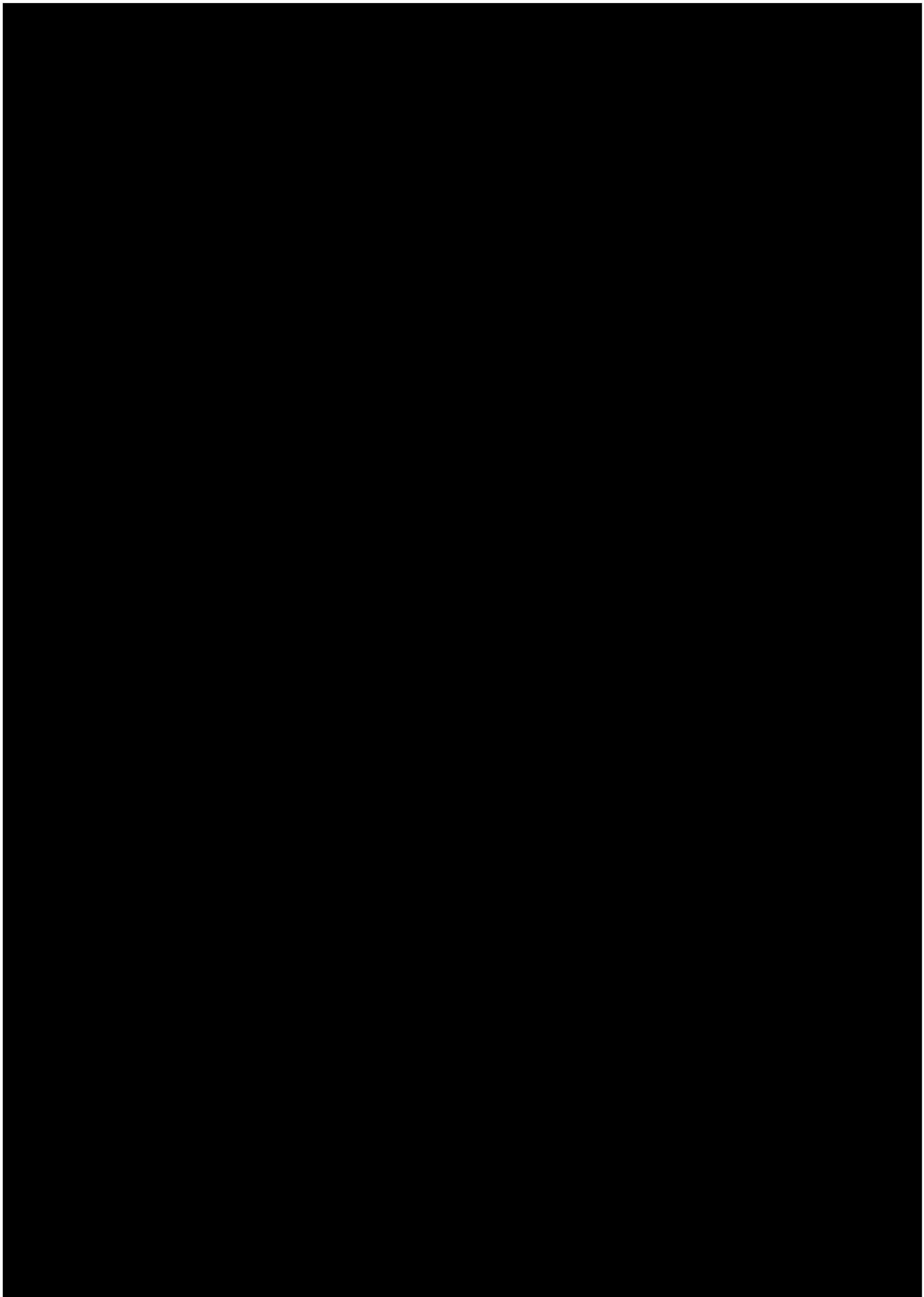


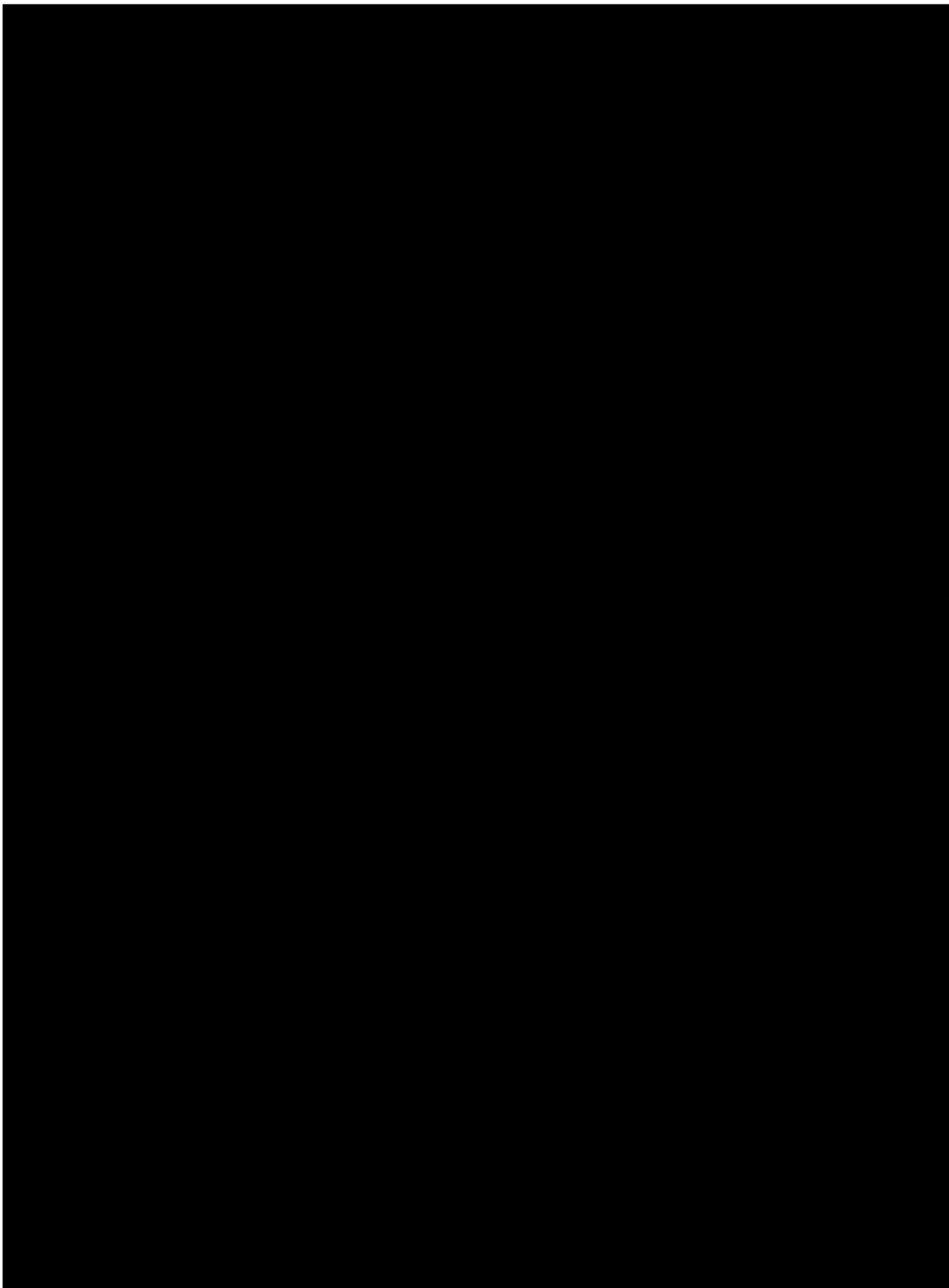


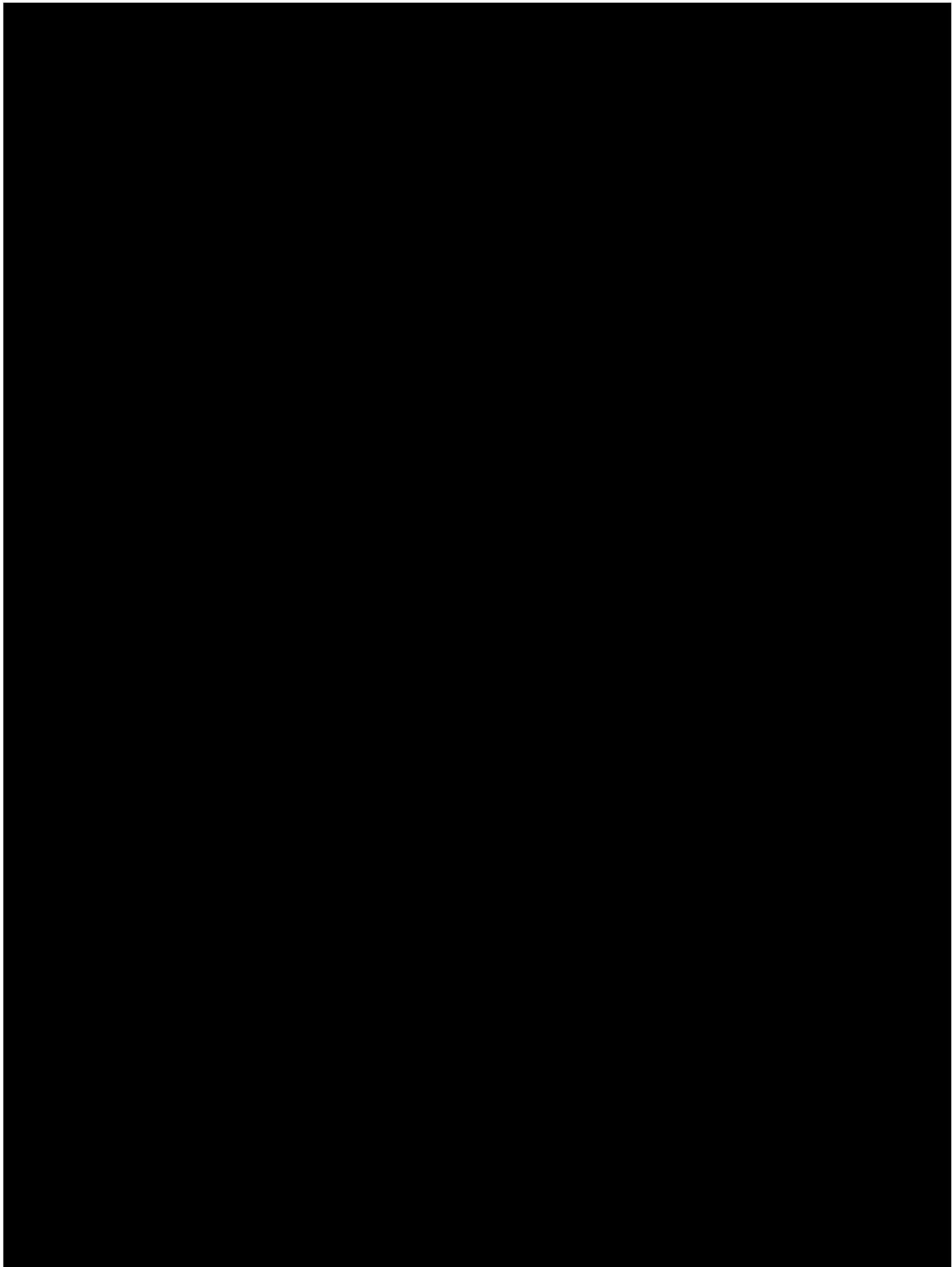






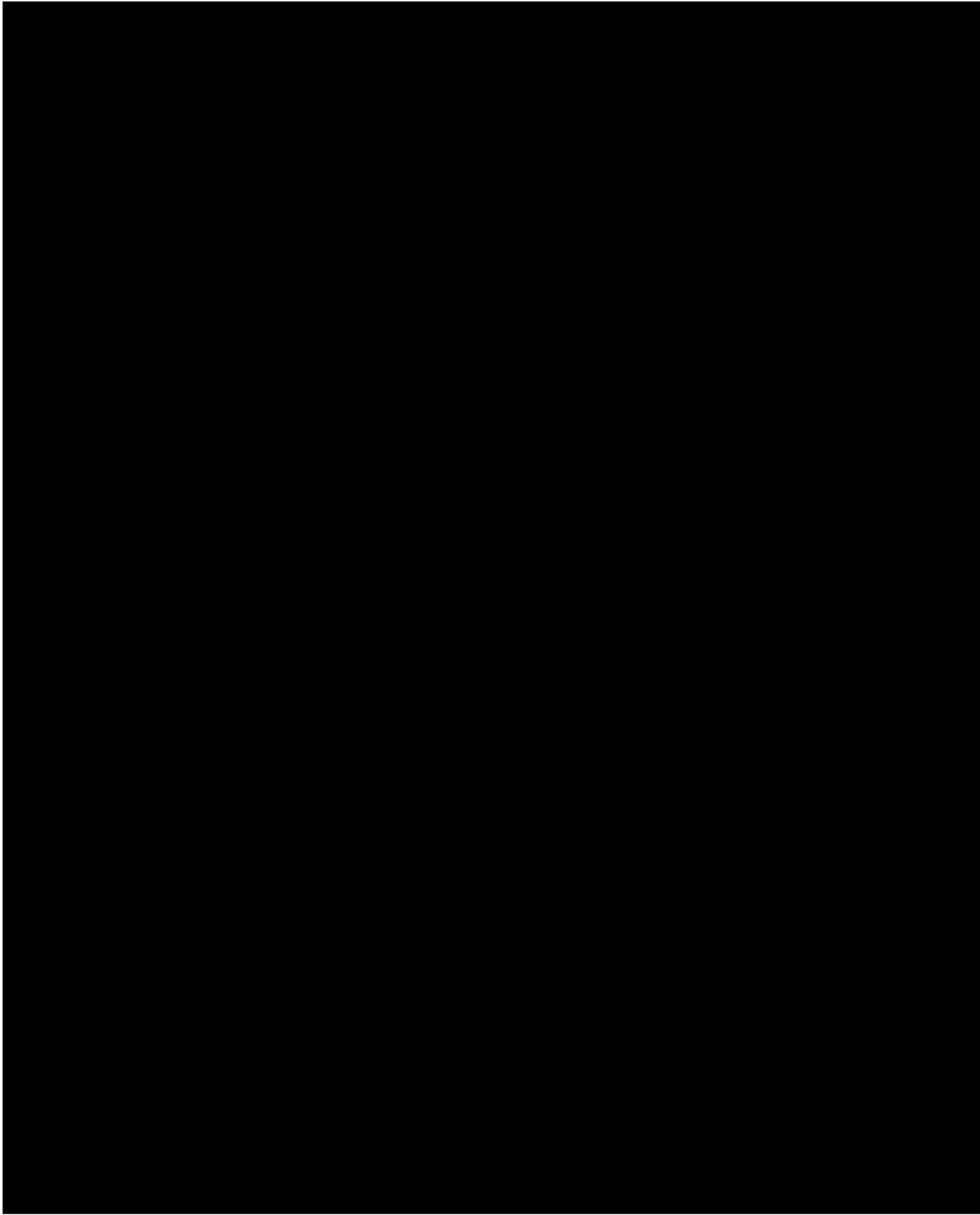


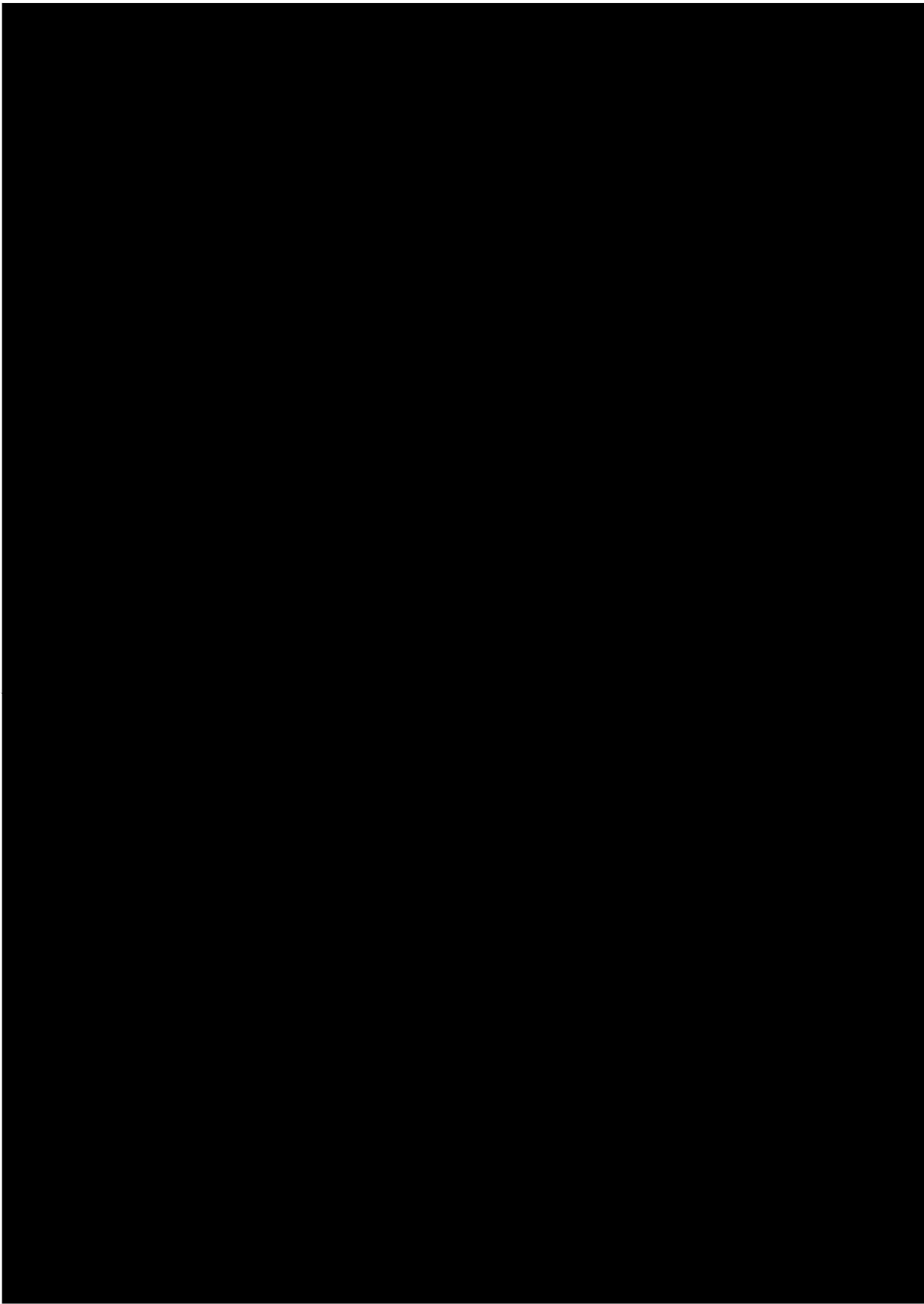




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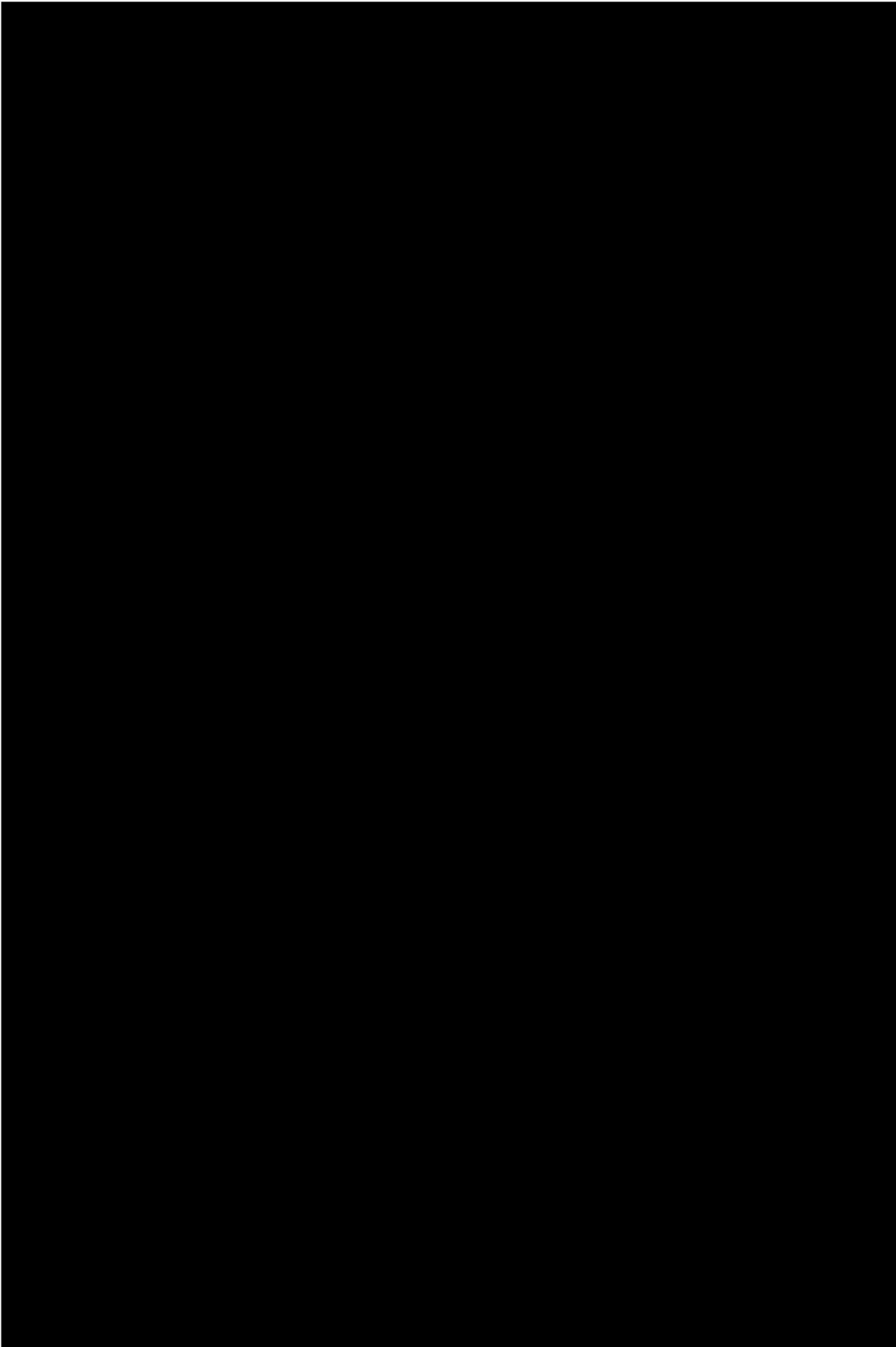
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10
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Special Agent in Charge
Federal Bureau of Investigation
Miami, Florida

Date

Commissioner Director
Florida Dept. of Law Enforcement
Tallahassee, Florida

Date

Special Agent in Charge
U.S. Environmental Protection
Agency - OIG
Atlanta, Georgia

Date

United States Attorney
U.S. Attorney's Office - SDFL
Miami, Florida

Date

Special Agent in Charge
U.S. Dept. of Housing and Urban
Development - OIG
Miami, Florida

Date

Special Agent in Charge
Internal Revenue Service - CID
Miami, Florida

Date

RESOLUTION No. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY, ON BEHALF OF ITS POLICE DEPARTMENT, AND THE FEDERAL BUREAU OF INVESTIGATION, MIAMI AREA CORRUPTION TASK FORCE, FOR THE PURPOSE OF IDENTIFYING AND PROSECUTING PUBLIC OFFICIALS AND LAW ENFORCEMENT OFFICERS AT THE FEDERAL, STATE, AND LOCAL LEVELS OF GOVERNMENT INVOLVED IN PUBLIC CORRUPTION THROUGHOUT THE SOUTHERN DISTRICT OF FLORIDA.

WHEREAS, the Miami Division of the Federal Bureau of Investigation (FBI) has established the Miami Area Corruption Task Force (MACTF), for the purpose of maximizing inter-agency cooperation and formalize relationships between the participating agencies for policy guidance, planning, training, and public/relations relative to public corruption; and

WHEREAS, the MACTF is comprised of a specialized group of Federal, State, and local investigators and prosecutors responsible for investigating and prosecuting significant public corruption throughout the Southern District of Florida; and

WHEREAS, the MACTF enhances the effectiveness of Federal, State and local law enforcement resources through well-coordinated initiatives, seeking the most effective investigative and prosecution avenues by which to convict and incarcerate individuals involved in public corruption; and

WHEREAS, the Miami Beach Police Department's participation in the MACTF is a mutually beneficial partnership that establishes an ongoing relationship between these two law enforcement entities, provides for increased investigative resources and capabilities, improves the effectiveness of the Miami Beach Police Department's law enforcement activities in investigating public corruption, and demonstrates the FBI's confidence and trust in our Police Department's leadership and investigative staff; and

WHEREAS, the City of Miami Beach, on behalf of the Miami Beach Police Department, and the Federal Bureau of Investigation, wishes to execute a Memorandum of Understanding, commencing upon the signatures of all parties, and remaining in effect for the duration of the City's participation in the MACTF; and

WHEREAS, the Miami Beach Police Department shall appoint a sworn officer on a full time basis to the MACTF to work in conjunction with Federal, State, and local law enforcement personnel in identifying, locating and apprehending individuals who are involved in public corruption.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission thereby authorize the City Manager and City Clerk to execute a Memorandum of Understanding between the City of Miami Beach, on behalf of the Miami Beach Police Department, and the Federal Bureau of Investigation, Miami Area Corruption Task Force, for the purpose of identifying and prosecuting public officials and law enforcement officers at the Federal, State and local levels of government involved in public corruption throughout the Southern District of Florida.

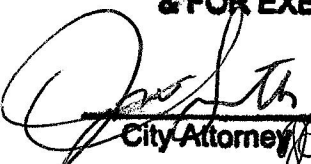
PASSED and ADOPTED this _____ day of _____, 2012.

ATTEST:

CITY CLERK

MAYOR

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

5-7-12

Date

ATTACHMENT 2

DRAFT SCOPE OF SERVICES **INSPECTOR GENERAL SERVICES**

- PARTIES:** City of Miami Beach
Miami-Dade County, on behalf of the Miami-Dade County Office of the Inspector General (MDCOIG)
- TERM:** Three (3) years from date of execution by all parties.
Renewable for an additional term, as such additional term is determined and agreed upon by both Parties.
- TERMINATION:** May be terminated for any reason, including convenience, by either party by thirty (30) days' written notice to the other party.

SCOPE:

The term "Inspector General" when standing alone hereinafter shall refer to the Inspector General for the City whose role is being fulfilled by the MDCOIG pursuant to the terms of this Agreement.

- a. Subject to the limitations provided herein, the MDCOIG is authorized to serve as the Inspector General for the City during the term of this Agreement.
- b. The organization and administration of the MDCOIG shall be sufficiently independent to assure that no interference or influence external to the MDCOIG adversely affects the independence and objectivity of the Inspector General.
- c. The MDCOIG shall have the authority to make investigations of City programs, accounts, records, contracts and transactions as further set forth in this Agreement, and the power to review past, present and proposed City programs, accounts, records, contracts and transactions, as further set forth in this Agreement.
- d. The MDCOIG shall have the power to require reports and the production of records from the Mayor, Commission, City Manager, City officers and employees, regarding any matter within the jurisdiction of the MDCOIG. Any files or reports relating to litigation that are subject to attorney-client or other privilege shall not be subject to disclosure to the MDCOIG.
- e. The Inspector General shall be authorized to conduct any reviews, audits, inspections, investigations or analyses relating to departments, offices, committees, activities, programs and agencies of the City of Miami Beach, including reviews of employee compliance with established policies and/or standard operating procedures of the City.
- f. The MDCOIG shall be authorized to conduct any reviews, audits, inspections or analyses relating to the operations of departments or divisions of the City with regulatory oversight of city codes such as, but not limited to, fire, parking, planning and zoning, building, property maintenance, noise, etc., and/or state or federal codes including, but not limited to, state building and fire codes, federal ADA requirements, etc., including reviews of employee compliance with established policies and/or standard operating procedures for their regulatory departments or divisions of the City. Such reviews, audits, inspections or analyses shall be in accordance with any Collective Bargaining Rights, Personnel Rules, and other Federal and State guidelines regarding employee rights.

- g. The MDCOIG may, on a random basis, perform audits, inspections and reviews of City contracts, and shall be deemed the City's designee for any audits, inspections, and reviews of City contracts provided for under the terms of those City contracts.
- h. The MDCOIG shall have the power to audit, investigate, monitor, inspect, and review the operations, activities and performance of the procurement process for contracts, including, but not limited to, how bid specifications were established; how the bid process was managed; and the activities of the prospective bidder, its officers, agents and employees, lobbyists, City staff, and elected officials; in order to ensure compliance with the City's established procurement procedures and any other State, County or City law or ordinance relating to procurement that is applicable to the City.
- i. Notwithstanding the above, the MDCOIG shall have the power to review and investigate any citizen's complaints regarding City projects, programs, contracts, transactions, and employee misconduct, including misconduct by employees involved in regulatory oversight functions. Such review and investigation shall be in accordance with any Collective Bargaining Rights, Personnel Rules, and other Federal and State guidelines regarding employee rights.
- j. The MDCOIG may exercise any of the responsibilities, functions and authorities contained in the Agreement upon his or her own initiative.
- k. The MDCOIG shall be notified in writing prior to any meeting of an evaluation or negotiation committee where any matter relating to the procurement of goods or services by the City is to be discussed. The notice required by this section shall be given to the MDCOIG as soon as possible after a meeting has been scheduled, but in no event later than twenty-four hours prior to the scheduled meeting; said notice may be provided via electronic mail. The MDCOIG may, at his or her discretion, attend all duly noticed City meetings relating to the procurement of goods or services as provided herein, and may pose questions and raise concerns consistent with the functions, authority and powers of the Inspector General. An audio tape recorder shall be utilized to record all applicable evaluation and negotiation committee meetings.

The Mayor and Commission, City Manager, City Attorney, City's Internal Auditor and Miami Beach Police will cooperate with the MDCOIG to achieve the goals of preventing and detecting fraud, waste, financial mismanagement, employee misconduct or other abuses, and promoting accountability, integrity, economy, and efficiency in government.

The MDCOIG will not, whenever possible, duplicate the work of the City's Internal Auditor, Miami Beach Police Department Internal Affairs Division, Miami Beach Human Resources Department, City Commission, City Manager and City Attorney, or of the State Attorney's Office or Miami-Dade County Commission on Ethics. It is understood, however, that the MDCOIG's audits, investigations, inspections and reviews may from time to time address the same or similar issues or activities being reviewed by the aforementioned entities. In such cases, the MDCOIG's audits, investigations, inspections and reviews will be conducted separately and independently from those entities, and upon conclusion, the MDCOIG, where appropriate, will refer the disposition or finalization of any audit, investigation, inspection or review to the appropriate City entity for any additional action.

REPORTING: The MDCOIG shall provide an annual report to the City on the prior year's activities.

STAFF & SUPPORT: All MDCOIG staff to remain staff of the MDCOIG
 City may assign City staff to support MDCOIG
 City to provide office space and office essentials (desks, phones, etc).

FEES: Flat annual fee for service.
 Initial annual fee to be negotiated.
 Subsequent annual budget request to be submitted and approved by the City as part of annual City Budget process.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO NEGOTIATE AN AGREEMENT WITH MIAMI-DADE COUNTY, ON BEHALF OF THE MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL (MDCOIG), TO AUTHORIZE THE MDCOIG TO PROVIDE INDEPENDENT INVESTIGATIONS INTO CITY PRACTICES AND OPERATIONS IN ORDER TO PREVENT AND DETECT FRAUD, WASTE, FINANCIAL MISMANAGEMENT, EMPLOYEE MISCONDUCT, OR OTHER ABUSES.

WHEREAS, Section 163.01, Florida Statutes, the "Florida Interlocal Cooperation Act of 1969," authorizes public agencies to enter into interlocal agreements for mutual benefit, except that no such agreement shall authorize the delegation of constitutional, statutory or Charter duties of city officers; and

WHEREAS, the home rule powers under Chapter 166.021, Florida Statutes, authorizes the City to exercise any power except as expressly prohibited by the State Constitution or general law, and Section 2.03 of the City Charter empowers the City Commission to "investigate the official acts and conduct of any City official, and by similar investigations may secure information upon any matter"; and

WHEREAS, the City seeks to hire an Inspector General that would be authorized, on behalf of the City, to conduct independent audits and investigations into City practices and operations, in order to prevent and detect fraud, waste, financial mismanagement, or other abuses, and promote accountability, integrity, economy, and efficiency in government; and

WHEREAS, the County has already established the Miami-Dade County Office of the Inspector General (MDCOIG); and

WHEREAS, the County and the City recognize that, given the knowledge, experience, and ability of the staff of the MDCOIG in conducting investigations into government waste, fraud, or mismanagement, it will serve the public interest to enter into an agreement with the MDCOIG in order to accomplish all of the goals set forth in this resolution.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MAIMI BEACH, FLORIDA that the Mayor and City Commission hereby authorize the City Manager and City Attorney to negotiate an agreement with Miami-Dade County, on behalf of the Miami-Dade County Office of the Inspector General(MDCOIG), and the City, to authorize the MDCOIG to provide independent investigations into City practices and operations, in order to prevent and detect fraud, waste, financial mismanagement, employee misconduct, or other abuses.


PASSED and ADOPTED this __ day of _____, 2012.

ATTEST:

MAYOR

CITY CLERK

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

5-7-12

Date



MIAMI-DADE COUNTY
COMMISSION ON ETHICS & PUBLIC TRUST

May 2, 2012

Mayor and City Commission
Miami Beach City Hall
1700 Convention Center Drive
Miami Beach, FL 33139

Re: Ethics Training

Honorable Mayor and City Commissioners:

In response to the request of the City of Miami Beach, the Miami-Dade Commission on Ethics and Public Trust submits its proposal for a comprehensive ethics training program for regulatory employees.

The attached program includes multiple sessions of intensive and interactive training for all employees and supervisors engaged in the areas of fire inspection, parking enforcement, building inspection, code enforcement, and planning, which comprises approximately 223 staff. We are prepared to conduct and conclude this training within six months of executing a final agreement for same under mutually agreed upon conditions.

We are available to discuss this proposal further at your convenience and look forward to meeting with you.

Sincerely,

Joseph M. Centorino
Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust



PROPOSAL FOR CITY OF MIAMI BEACH ETHICS TRAINING

The Miami-Dade Commission on Ethics and Public Trust submits the following proposal for ethics training for 223 City of Miami Beach employees and supervisors engaged in regulatory enforcement. This proposal is for an intensive training program to be completed within six months of implementation. Class size should not exceed 50.

Sessions:

- 1) Introduction to Ethics: Interactive Lecture/Discussion led by Ethics Commission personnel focusing on public service ethics, governmental organizational culture and professionalism. (1 hr)
- 2) Detailed presentation of Miami-Dade County and City of Miami Beach Code of Ethics requirements for public employees, emphasizing gift, conflict of interest, and exploitation provisions particularly relevant to regulatory personnel, illustrated with case examples. (4 hrs)
- 3) Presentation/Discussion of legal and administrative consequences of illegal/unethical activity by public servants, including participation of a former City of Miami Beach official whose misconduct led to termination. (1 hr)
- 4) Presentation on the law of Bribery, including a discussion of illustrative criminal cases from Miami-Dade County and elsewhere. (1 hr)
- 5) Presentation/Discussion on the special integrity challenges presented by the regulatory environment in Miami Beach, including a presentation by a retired management level employee of a local municipality. (1 hr)
- 6) Interactive group discussion led by Ethics Commission personnel based on 6 hypothetical scenarios directly relevant to issues confronting regulatory personnel. (2 hrs)

- 7) "Train the trainer" program for supervisory level personnel, addressing the need for an ongoing strategy necessary for building an ethical organizational culture, with oversight controls and in-service ethics training within their respective departments. (2 hrs)
- 8) Private, confidential one-on-one sessions to be conducted with all regulatory employees by Ethics Commission staff to discuss and address past and future ethical concerns raised by their personal and professional experiences, with an invitation for them to suggest changes and/or improvements in the workplace that each employee feels would lead to a stronger ethical climate. (1/2 hr each)
- 9) Final Report prepared by Ethics Commission staff summarizing all training sessions, with recommendations for follow-up training and for implementation of long-term management strategies to prevent future corruption.

Cost Estimate: \$45,000

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT IN THE NOT TO EXCEED AMOUNT OF \$45,000, WITH MIAMI-DADE COUNTY, FLORIDA, ON BEHALF OF THE MIAMI-DADE COUNTY COMMISSION ON ETHICS AND PUBLIC TRUST, TO DEVELOP AND PROVIDE A COMPREHENSIVE ETHICS TRAINING PROGRAM FOR CITY EMPLOYEES WHO HOLD POSITIONS THAT ARE IN REGULATORY AREAS OF THE CITY.

WHEREAS, on April 13, 2012, the City Manager contacted the Miami Dade County Commission on Ethics and Public Trust (Commission on Ethics) and spoke to Executive Director and General Counsel Joseph M. Centorino about having the Commission on Ethics assist the City of Miami Beach with ethics training for all city employees; and

WHEREAS, It was requested that this training first focus on, and be provided to, those City employees who work in any of the City's regulatory areas; and

WHEREAS, on April 19, 2012, Mayor Matti Herrera Bower, the City Manager and other City staff met with several senior-level staff members from the Commission on Ethics to discuss the comprehensive ethics training; and

WHEREAS, The Commission on Ethics has proposed a comprehensive training program which includes multiple sessions over a six month period of intensive and interactive training for all employees and supervisors engaged in the regulatory areas of the City in (1) fire inspection; (2) parking enforcement; (3) building inspection; (4) code enforcement; and (5) planning (includes nearly 230 City employees); and

WHEREAS, The cost estimate for the proposed training by the Commission on Ethics is \$45,000 and given that there are approximately 230 employees that would participate in all of the trainings, the per-person cost for the six month period would be approximately \$200 per employee.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve and authorize the Mayor and City Clerk to execute an Agreement, in the not to exceed amount of \$45,000, with Miami Dade County, Florida, on behalf of the Miami-Dade County Commission on Ethics and Public Trust, to develop and provide a comprehensive ethics training program for City employees who hold positions that are in regulatory areas of the City.

PASSED and ADOPTED this, the _____ day of _____, 2012.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM,
LANGUAGE & EXECUTION



CITY ATTORNEY 5-9-12

DRAFT SCOPE OF SERVICES **PROFESSIONAL SERVICES AGREEMENT (PSA) FOR SERVICES RELATED TO THE EXTERNAL AUDITING THE PROCESSES OF CERTAIN REGULATORY DEPARTMENTS OR DIVISIONS**

TERM: One (1) year from date of execution by all parties;
Completion of first phase of reviews within 120 days of contract execution, with separate final reports to follow on each individual area of review within 30 days.

TERMINATION: PSA may be terminated for any reason, including convenience, by either party by thirty (30) days' written notice to the other party.

SCOPE:

- Review organizational structure and functions
- Review internal controls
- Review department/division processes (including uses of technology)
- Review department/division operations
- Development recommendation: process improvement, internal controls, efficiencies, etc.

Audit focus:

- Code Compliance Division*
- Fire Inspection process*
- Parking Enforcement Division*
- Fire Prevention Division (permitting processes only)
- Public Works Department (permitting processes only)
- Planning Department (permitting process, concurrency fees, impact fees and other related areas),
- Special Master Process

**to be completed within the first 150 days following engagement; timeline for balance of areas*

FEES: Fee to be negotiated; not to exceed \$150,000.00.



MIAMI BEACH

EXPRESSION OF INTEREST
Professional Services Related to the
External Organizational Auditing of the Processes of
Certain Regulatory Departments or Divisions

The City of Miami Beach is in need of professional services related to the external organizational auditing of the processes of certain regulatory City departments or divisions. On May 9, 2012, the Mayor and City Commission adopted Resolution No. 2012-27905, waiving the competitive bid requirements to secure a firm to provide this scope of services. This "Expression of Interest" is serving as an informal procurement process in lieu of the competitive bidding process.

It is anticipated that a Professional Services Agreement (PSA) will be executed for such services. The preliminary Scope of Work that will be required pursuant to this PSA is as follows, but will be more thoroughly defined with the successful firm:

- Review organizational structure and functions
- Review internal controls
- Review department/division processes (including uses of technology)
- Review department/division operations
- Develop recommendations on: process improvement, internal controls, efficiencies, etc.

Audit focus:

- Code Compliance Division*
- Fire Inspection process*
- Parking Enforcement Division*
- Fire Prevention Division (permitting processes only)
- Public Works Department (permitting processes only)
- Planning Department (permitting process, concurrency fees, impact fees and other related areas)
- Special Master process

** to be completed within the first 150 days following engagement*

Fees will be negotiated, but are not to exceed \$150,000.00.

The following minimum criteria will be required in order to enter into a PSA with the City for these services:

- Experience with similar regulatory systems, including dispatch-based processes;
- A Florida firm (registered in the State of Florida), preferably with a South Florida Office; and
- Staff assigned to the project from the successful firm must have at least one of the following certifications:
 - Certified Public Accountant;
 - Certified Fraud Examiner;
 - Certified Fraud Specialist; or
 - Certified Public Auditor.
- Experience performing similar process audits of regulatory entities is preferred, but not required.

Interested firms shall complete the information on the following page and return their responses to the attention of **Kristin Tigner, Assistant Building Director** at ktigner@miamibeachfl.gov (email) or 786-394-4540 (fax), by no later than **4:00 pm on Tuesday, May 29, 2012**. The City will contact those firms it wishes to interview to determine which firm will be selected to enter into a PSA with the City and perform the work.



MIAMI BEACH

EXPRESSION OF INTEREST Professional Services Related to the External Auditing of the Processes of Certain Regulatory Departments or Divisions

Firm Name: _____

Firm Corporate/Florida Address: _____

Firm Corporate/Florida Telephone Number: _____ Fax Number: _____

Firm South Florida Address (if applicable): _____

Firm South Florida Telephone Number: _____ Fax Number: _____

Point of Contact Name: _____ Title: _____

Point of Contact Telephone Number: _____ Email Address: _____

Attach to this sheet, in NO MORE THAN A TOTAL OF THREE (3) typed pages (min. 10 font), answers to the following questions:

1. Briefly describe your firm and the services provided by your firm.
2. Identify/describe similar project(s) you have performed previously, including who the engagement was with, what types of entities were evaluated, and the scope of work performed in those engagements. Identify if any of the entities audited have regulatory responsibilities and describe the type of regulatory responsibilities they have.
3. Identify the key personnel who will be assigned to this project, including their certifications.
4. Identify the proposed methodology and approach for the work to be performed.
5. Identify proposed price for the work to be performed, and what is included in the price.

Return your responses to the attention of **Kristin Tigner, Assistant Building Director** at **ktigner@miamibeachfl.gov (email)** or **786-394-4540 (fax)**, by no later than **4:00 pm on Tuesday, May 29, 2012**. The City will contact those firms it wishes to interview to determine which firm will be selected to enter into a PSA with the City and perform the work.



EXPRESSION OF INTEREST
Professional Services Related to the
External Organizational Auditing of the Processes of
Certain Regulatory Departments or Divisions

Please note that the City has extended the deadline for responses to this request for Expression of Interest. Responses will now be due to the attention of **Kristin Tigner, Assistant Building Director** at **ktigner@miamibeachfl.gov (email)** or **786-394-4540 (fax)**, by no later than **4:00 pm on Wednesday, May 30, 2012** instead of the previous deadline of 4:00 pm on Tuesday, May 29, 2012.

Please also note that firms will be notified the afternoon of Friday, June 1, 2012 whether or not they have been selected for an interview. Interviews will be held on June 5, 2012 from 1 pm to 5 pm at Miami Beach City Hall in the City Manager's Large Conference Room for those firms selected for an interview only. Since it is such a tight timeframe, the City is letting all firms know of the date and time now, so they can be available if they are selected for an interview.



MIAMI BEACH

DEADLINE EXTENSION

EXPRESSION OF INTEREST

Professional Services Related to the
External Organizational Auditing of the Processes of
Certain Regulatory Departments or Divisions

Please note that the City has extended the deadline for responses to this request for Expression of Interest. Responses will now be due to the attention of **Kristin Tigner, Assistant Building Director** at **ktigner@miamibeachfl.gov (email)** or **786-394-4540 (fax)**, by no later than **4:00 pm on Thursday, May 31, 2012** instead of the previous deadline of 4:00 pm on Wednesday, May 30, 2012.

Please also note that firms will be notified the afternoon of Friday, June 1, 2012 whether or not they have been selected for an interview. Interviews will be held on June 5, 2012 from 1 pm to 5 pm at Miami Beach City Hall in the City Manager's Large Conference Room for those firms selected for an interview only. Since it is such a tight timeframe, the City is letting all firms know of the date and time now, so they can be available if they are selected for an interview.

RESOLUTION TO BE SUBMITTED

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MIAMI BEACH

OFFICE OF THE CITY ATTORNEY

JOSE SMITH, CITY ATTORNEY

COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jose Smith, City Attorney 

DATE: June 6, 2012

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING, BY 5/7TH VOTE, THE WAIVER OF COMPETITIVE BIDDING, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY, AND AUTHORIZING THE CITY ATTORNEY TO NEGOTIATE A PROFESSIONAL SERVICES AGREEMENT WITH A QUALIFIED RECRUITMENT FIRM(S) TO ASSIST THE MAYOR AND CITY COMMISSION IN THE CITY MANAGER SELECTION/HIRING PROCESS; FURTHER APPROPRIATING AN AMOUNT NOT TO EXCEED \$25,000.00 FOR SUCH AGREEMENT(S) WITH THE SUCCESSFUL FIRM(S), ONCE NEGOTIATED AND EXECUTED, AND TO COVER MISCELLANEOUS EXPENSES RELATED TO THE PROCESS.**

At the City of Miami Beach Commission Retreat, held on May 18 and 19, 2012, the Mayor and City Commission directed the City Attorney and the Human Resources Department to initiate an expedited process to solicit qualified recruitment firms to assist the City Commission in its search for a qualified candidate to fill the position of City Manager. So as not to delay this vital process, the issuance of the attached Request for Expression of Interest was determined to be the best methodology, short of going out for formal competitive bid, to expedite the process.

Accordingly, an informal, expedited solicitation process, via the issuance of a Request for "Expression of Interest", was prepared and submitted to Commissioner Weithorn for review and approval, and was thereafter issued on May 25, 2012, with an opening date of June 1, 2012 at 1:00 p.m. (Please refer to Appendix "A" for the Request for Letter of Interest).

Should the City Commission approve the recommended action today, it is anticipated that the next step will be to negotiate a professional services agreement (PSA) with the selected firm (or firms), with fees to be negotiated. The scope of work required, will be the following:

- Develop recruiting specifications, in conjunction with the City Commission and other City officials, which address the specific duties, responsibilities, operational issues and traits, and other factors that are relevant to the position of City Manager;
- Develop minimum qualifications and desired qualifications for the position of City Manager;
- Develop a work plan that outlines the different phases of the process;
- Develop a timeline for completing different phases of the process;
- Conduct a search with recruiting activities including selected advertising and networking. Develop recruiting specifications to encompass a state/nationwide search;

Agenda Item R7F
Date 6-6-12

- Document procedures to be carried out, including timeline for their accomplishment. Prepare recruiting materials that present an accurate profile of the position and environment;
- Contact potential candidates through written material, advertising, and direct recruiting;
- Develop criteria for evaluating candidates;
- Develop a screening process for evaluating candidates;
- Develop a list of finalists, together with the City Commission, utilizing generally accepted screening practices and procedures to be detailed in the report;
- Screen and evaluate candidates to establish a qualified semi-group;
- Research personal, professional, and academic qualifications thoroughly and discreetly;
- Consolidate the findings of the final candidates in clear, objective profiles detailing: current situation, past experience, skills and performance that are directly appropriate to the position; and
- Develop and participate in the selection process, to include meetings with the Mayor and Commissioners.

As stated, the Request for Expression of Interest was issued on May 25, 2012. BidNet issued bid notices to 149 prospective proposers, and 40 additional proposers were notified via e-mail. Additionally, the Expression of Interest was posted in the Procurement Division's website; advertised in The Daily Business Review; and distributed to International City/County Management Association (ICMA), Miami-Dade City and County Management Association, Ken Small's newsletter, and Florida City/County Management Association (FCCMA). This resulted in the receipt of the following seven (7) proposals:

1. Slavin Management Consultant (SMC);
2. Colin Baenziger & Associates (CB&A);
3. Waters-Oldani Executive Recruitment/The Waters Consulting Group, Inc (WCG);
4. Heidrick & Struggles;
5. Bob Murray & Associates;
6. David Gomez & Associates (DG&A); and
7. Stone Legal LLC

On June 1, 2012, Commissioner Weithorn and City Attorney Jose Smith, were provided with copies of the responses received pursuant to the Request for Expression of Interest. The following is a brief summary of each firm's profile.

Slavin Management Consultant (SMC)

Slavin Management Consultant is an independent management consulting firm formed in 1991 and incorporated in the State of Georgia. SMC operates nationwide from its home office near Atlanta, Georgia.

The principal and only stock holder of the firm is Robert D. Slavin has conducted or assisted in more than 750 successful executive searches throughout his career. He will be assisted by Mr. David Krings.

Specialty practice areas include executive recruitment, pay and classification, performance appraisal systems, and organizational development training. SMC has recruited many top level professionals, including chief executives for many Florida public agencies including the City of

Atlantic Beach, Boynton Beach, Coral Springs, Davie, Dunedin, Clearwater, Fort Lauderdale, Fort Myers, Gulfport, Hollywood, Homestead, Jacksonville Beach, Miami, Miami Beach, Miramar, Neptune Beach, North Miami Beach, North Port, Ormond Beach, Palm Bay, Palm Beach Gardens, Panama City, Pompano Beach, Sarasota, Sunrise, Venice, West Palm Beach, West Palm Beach, Winter Park, Tavares and Titusville. In addition, SMC has placed County Administrators in Escambia County, Hillsborough County, Lake County, Manatee County, Martin County, Palm Beach County, Sarasota County, Santa Rosa County, Seminole County and Volusia County.

Colin Baenziger & Associates (CB&A)

Established in 1997, Colin Baenziger & Associates (CB&A) is a national recruitment firm owned and operated by Colin Baenziger. CB&A is headquartered in Palm Beach County, Florida.

The principal and owner of the firm, Colin Baenziger, will serve as project manager. He is located in Wellington, FL, Office, where the work will be conducted. In addition to 15 years as a consultant, Mr. Baenziger spent 10 years in government as a senior manager. Mr. Baenziger has been the project manager in more than 100 city and county manager searches. Tom Andrews, senior vice president, will be the deputy project manager, and David Collier, senior vice president, will serve as the recruitment manager and assist with the identifications and screening of candidates.

CB&A specializes in Florida. CB&A has been selected to perform 74 of the last 101 City and County Manager searches where Florida local government has used a recruiting firm. Some of the national clients include: Fayetteville, NC, Fulton County, GA, Matanuska-Susitna Borough, AK, Portland, ME, Roanoke, VA, and Tacoma, WA. CB&A has completed over 100 searches for city and county managers and more than 200 senior-level local government management searches overall. Some are the following: Hallandale Beach, Tacoma, Homestead, Village of Key Biscayne, City of Palm Coast, St. Johns County, City of Roanoke, Union County, Polk County, or Portland.

Waters-Oldani Executive Recruitment/The Waters Consulting Group, Inc (WCG)

The Waters Consulting Group, Inc (WCG) was founded in 1976 and was incorporated in 1988, in Texas. In 2005, The Waters Consulting Group, Inc and the Oldani Group formed a strategic alliance in the area of nation-wide executive recruitment – Waters-Oldani Executive Recruitment.

WCG focus on the public sector. Over the past few years, WCG has recruited and placed more than 200 executive level positions within the public sector. This includes City and County Managers/Administrators and Deputy City/County Managers/Administrators as well as various department director positions. Some are the following: Broward County, City of El Paso, Mecklenburg County, Town of Greenwich, City of Ashland, Port of Cincinnati, Alexandria, Arlington, Ashland, Baytown, Bee Cave, Bend, Brookings, Buda, Bulhead, Canton, College Station, Commerce, Corpus Christi, Denton, El Paso, Emporia, Farmers Branch, Fate, Fayetteville, Forney, Fort Myers, Fort Worth, Fountain, Friendswood, Gatesville, Granbury, Grand Rapids, Great Falls, Greenwich, Highland, Hoobs, and others.

Heidrick & Struggles

Heidrick & Struggles was founded in 1953 in Chicago. Heidrick & Struggles has a global team of 350 consultants working from more than 50 locations in principal cities of the world. Heidrick & Struggles has approximately 1,500 employees. Heidrick & Struggles has confirmed 4,274 assignments in 2011. Mr. Guy Cote, with over 10 years of executive search experience building leadership team and will lead the Miami office.

The following are some examples of the private and municipal experience of Heidrick & Struggles: ACPA International, American Diabetes Association, American Lung Association, American Medical Association, Association For Financial Professionals, The Atlanta Convention & Visitor Bureau, Atlanta Housing Authority, Baltimore Area Convention & Visitor Bureau, Center for Global Development, City of Atlanta, City of Cleveland, Commonwealth of Pennsylvania, Cruises Lines International Association, Empire State Development Corporation, Foundation for Research on Economics & the Environment, New York City Department of Finance, New York State Education Department, State of Georgia, State of New Jersey, Washington Metropolitan Area Transit Authority, and others.

Bob Murray & Associates

Bob Murray & Associates has completed over 800 public sector recruitments, including more than 200 City Managers. The firm has offices in Tallahassee, Florida and Roseville (Sacramento), California.

Ms. Narloch will be the lead consultant for the City of Miami Beach recruitment. Ms. Narloch is located in Tallahassee, Florida. She has more than 20 years experience conducting public sector recruitments and has participated in more than 400 searches nationwide. Ms. Narloch will count with the assistance from Ms. Keila Febres Griffin, as needed.

Bob Murray & Associates recruiters have conducted searches for City of Miami Beach, City of Ft. Lauderdale, City of Phoenix, City of Pasadena, City of San Antonio, City of Ocala, Town of Palm Beach, and Town of Jupiter. Bob Murray has contracted with Broward County to conduct reaches on an "as needed" basis. Bob Murray & Associates is currently City Manager recruitments on behalf of Topeka, Arvada, Clatsop County. Recent clients include the City of Fort Lauderdale, the City of Arlington, City of Centennial, cities and towns of Arcadia, Montebello, Rancho Santa Margarita, San Marcos, Woodland, Arvada, Castle Rock, Airway Heights, Kirkland, Newcastle, Shoreline, Albany, Coos Bay, Damascus, Eugene, Milwaukie, Newberg and Salem.

David Gomez & Associates (DG&A)

David Gomez & Associates (DG&A) was founded in Chicago in 1978. In 2007, DG&A formally developed a search practice that focused on working with governments from major cities.

The project lead is David Gomez with 37 years of experience in building diverse teams and has spearheaded the development of diverse executive talent pipelines for dozen of clients. Christopher Gomez will lead the recruitment team for the City of Miami Beach candidates.

DG&A has been retained by many Municipalities and Government entities such as Cook County Health and Hospital System, City of New Orleans, Chicago Housing Authority, City of Chicago

June 6, 2012

Human Resources Department, Dallas Fort Worth International Airport, and the United States Hispanic Chamber of Commerce, Chicago Board of Police, Vanguard Health Systems, Gads Hill Center, New Futuro, Allied Industries.

Stone Legal LLC

Stone Legal LLC is located in Boston and Miami. Stone Legal LLC has not placed individuals in comparable positions. Stone Legal LLC has placed attorneys in major markets throughout the United States since 1983.

Alan Stone, a principal of Stone Legal, has been a legal recruiter since 1983. Mr. Stone and his team have assisted countless clients, partners and associates over the years. Mr. Stone has nearly 30 years of legal recruiting experience. Barry A. Freedman is responsible for national client development, responsible for candidate recruitment and the day-to-day operations of Stone Legal LLC. Daniel J. Gilfarb is the managing director of the Stone Legal Miami office.

Recommendation

After a careful review of the all responses, and performing due diligence, Commissioner Weithorn and I recommend that the City Commission select one of the following search firms:

1. Slavin Management Consultant (SMC);
2. Colin Baenziger & Associates (CB&A);
3. Waters-Oldani Executive Recruitment/The Waters Consulting Group, Inc (WCG);
4. Bob Murray & Associates

Conclusion

The City Attorney recommends that, should the City Commission wish to proceed with the process discussed at the Commission Retreat, that it adopt the attached Resolution waiving, by 5/7th vote, the competitive bidding requirements, and authorize the City Attorney to negotiate with the selected firm or firms, as the City Commission determines based upon review of the responses received in response to the Request for Expression of Interest, to assist the Mayor and Commission with the City Manager selection/hiring process. It is further recommended that the City Commission appropriate an amount, not to exceed \$25,000.00, to cover the costs for the agreement (or agreements) with the successful firm (s), as well as miscellaneous expenses related to the process, and the Mayor and City Clerk be authorized to execute such agreement (or agreements), upon conclusion of successful negotiations.

JS/RA/ME/mem

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov
HUMAN RESOURCES DEPARTMENT Tel: (305) 673-7524, Fax: (305) 673-7529

May 25, 2012

RE: REQUEST FOR EXPRESSION OF INTEREST PERTAINING TO THE ENGAGEMENT WITH THE CITY OF MIAMI BEACH FOR QUALIFIED PROFESSIONAL RECRUITMENT FIRMS TO PROVIDE PROFESSIONAL SERVICES IN CONJUNCTION WITH THE SCREENING AND SELECTION PROCESS FOR THE CITY MANAGER FOR THE CITY OF MIAMI BEACH.

At the City of Miami Beach Commission Retreat, held on May 18 and 19, 2012, the Mayor and City Commission directed the City Attorney and the Human Resources Department to initiate an expedited process to solicit qualified recruitment firms for assisting the City Commission in its search for a qualified candidate to fill the position of City Manager.

Accordingly, the attached "Expression of Interest" form has been prepared and submitted to you for consideration. Should your firm wish to be considered, please complete the attached form and return to the attention of City Attorney Jose Smith at mestevez@miamibeachfl.gov, NO LATER THAN June 1, 2012 at 1:00 PM. All questions and inquiries must be directed in writing to Maria Estevez at mestevez@miamibeachfl.gov.

Following its receipt and review of the responses submitted to this Request for Expression of Interest, the City reserves the right to contact such firm (or firms) as the City, in its sole discretion and determination, may wish to interview, in further determining the most qualified firm (or firms) to perform the required recruitment and other related professional services solicited pursuant to this process.

NOTWITHSTANDING THE ABOVE, OR ANYTHING CONTAINED IN THE ATTACHED FORMS, THE CITY RESERVES THE RIGHT, AT ANY TIME DURING THE PROCESS, AND IN ITS SOLE AND ABSOLUTE DISCRETION, TO REJECT ANY AND ALL RESPONSES RECEIVED PURSUANT TO THE REQUEST FOR EXPRESSION OF INTEREST, AND/OR INITIATE AN ALTERNATE PROCESS FOR PROCUREMENT OF THE AFORESTATED PROFESSIONAL SERVICES (WHICH PROCESS MAY INVOLVE, WITHOUT LIMITATION, EITHER RETENTION/ENGAGEMENT OF A QUALIFIED FIRM THROUGH A WAIVER OF COMPETITIVE BIDDING, AS PERMITTED PURSUANT TO THE CITY OF MIAMI BEACH CODE, OR THROUGH INITIATION OF A FORMAL COMPETITIVE BIDDING PROCESS). FURTHERMORE, ALL FIRMS SUBMITTING A RESPONSE TO THE REQUEST FOR EXPRESSION OF INTEREST AGREE AND ACKNOWLEDGE, AND – BY SUBMITTAL OF A RESPONSE – ARE THEREBY DEEMED TO UNDERSTAND THAT BY SUBMITTAL OF SUCH RESPONSE, NO CONTRACTUAL OR OTHER LEGAL RIGHT OR INTEREST OF ANY KIND SHALL BE DEEMED TO HAVE BEEN CREATED OR TO EXIST BETWEEN THE SUBMITTING FIRM AND THE CITY, UNTIL AND UNLESS A CONTRACT HAS BEEN AGREED TO AND EXECUTED BY BOTH PARTIES.

If you have any questions, please contact Maria Estevez at mestevez@miamibeachfl.gov.



MIAMI BEACH

EXPRESSION OF INTEREST

Professional Services Related to the Recruitment of a Permanent City Manager

The City of Miami Beach is in need of professional services related to the recruitment of a permanent City Manager. This "Expression of Interest" is serving as an informal procurement process in lieu of the competitive bidding process.

It is anticipated that a Professional Services Agreement (PSA) will be executed for such services. Fees will be negotiated. The Scope of Work that will be required, pursuant to this PSA, is as follows, but will be more thoroughly defined with the successful firm(s):

- Develop recruiting specifications, in conjunction with the City Commission and other City officials, which address the specific duties, responsibilities, operational issues and traits, and other factors that are relevant to the position of City Manager;
- Develop minimum qualifications and desired qualifications for the position of City Manager;
- Develop a work plan that outlines the different phases of the process;
- Develop a timeline for completing different phases of the process;
- Conduct a search with recruiting activities including selected advertising and networking. Develop recruiting specifications to encompass a state/nationwide search;
- Document procedures to be carried out, including timeline for their accomplishment. Prepare recruiting materials that present an accurate profile of the position and environment;
- Contact potential candidates through written material, advertising, and direct recruiting;
- Develop criteria for evaluating candidates;
- Develop a screening process for evaluating candidates;
- Develop a list of finalists, together with the City Commission, utilizing generally accepted screening practices and procedures to be detailed in the report;
- Screen and evaluate candidates to establish a qualified semi-group;
- Research personal, professional, and academic qualifications thoroughly and discreetly;
- Consolidate the findings of the final candidates in clear, objective profiles detailing: current situation, past experience, skills and performance that are directly appropriate to the position; and
- Develop and participate in the selection process, to include meetings with the Mayor and Commissioners.

Firms wanting to express their interest in this work shall complete the information on the following page and return their responses to the attention of City Attorney Jose Smith at mestevez@miamibeachfl.gov, by no later than **1:00 p.m. on June 1, 2012**. The City will contact those firms it wishes to interview to determine which firm will be selected to enter into a PSA with the City and perform the work.



MIAMI BEACH

EXPRESSION OF INTEREST

**Professional Services Related to the Recruitment of a
Permanent City Manager**

Firm Name: _____

Firm Corporate/Florida Address: _____

Firm Corporate/Florida Telephone Number: _____ Fax Number: _____

Firm South Florida Address (if applicable): _____

Firm South Florida Telephone Number: _____ Fax Number: _____

Point of Contact Name: _____ Title: _____

Point of Contact Telephone Number: _____ E-mail Address: _____

**Attach to this sheet, in NO MORE THAN TEN (10) typed pages (minimum 10 point font),
please answer all of the following questions:**

1. Briefly describe your firm and its organizational structure, including key personnel.
2. Describe the municipal experience of the firm.
3. Describe any private sector experience.
4. Describe the past performance of the firm.
5. Give references from organizations the firm has served.
6. Give references from persons the firm has placed in comparable positions.
7. Present a brief work plan and expected time for completion.
8. Present a price proposal for the services the firm would perform.
9. Explain what information the City would need to provide.
10. State the location from which the firm performs its services.

Return your response to the attention of City Attorney Jose Smith at mestevez@miamibeachfl.gov, by no later than 1:00 p.m. on June 1, 2012. The City will contact those firms it wishes to interview to determine which firm will be selected into a PSA with the City and perform the work.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING AND APPROVING A MONTH TO MONTH EXTENSION OF THE EXISTING TOWING PERMITS WITH BEACH TOWING SERVICES, INC. AND TREMONT TOWING SERVICES, INC., RESPECTIVELY; SAID EXTENSION COMMENCING ON JULY 1, 2012, AND EXPIRING ON DECEMBER 31, 2012.

WHEREAS, Chapter 106, Article V, of the Miami Beach City Code, provides for the issuance by the City of towing permits for the towing of vehicles identified by the City as requiring removal from public and private property; and

WHEREAS, vehicle impoundments are a necessary tool for both the Police and Parking Department in order to properly manage traffic and parking throughout the City; and

WHEREAS, the City currently issues two (2) towing permits to provide the aforesated services to the City to Beach Towing Services, Inc., and Tremont Towing Services, Inc.; and

WHEREAS, the aforesated permits will expire on June 30, 2012; and

WHEREAS, the City Commission is continuing its ongoing discussion of whether to renew the existing permits, for a new three (3) year term (as provided pursuant to City Code Section 106-215), as well, as in conjunction therewith, discussion of other critical issues pertaining to permits (such as the aforesated permits) issued by the City for the towing and storage of vehicles towed from the public right of ways, and permits issued by the City for the towing and removal of vehicles on private property; and

WHEREAS, in order to continue providing towing services for the Police and Parking Departments, pending the outcome of the City Commission's discussion and analysis of towing issues, a month-to-month extension of the Beach Towing and Tremont Towing permits is necessary (as both towing permits will expire on June 30, 2012); and

WHEREAS, both Beach Towing Services and Tremont Towing have agreed to continue providing towing services, on month to month basis, through December 31, 2012.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby authorize and approve a month to month extension of the existing towing permits with Beach Towing Services, Inc. and Tremont Towing Services, Inc., respectively; said extension commencing on July 1, 2012, and expiring on December 31, 2012.

PASSED AND ADOPTED this _____ day of _____, 2012

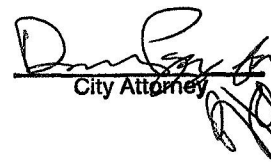
MAYOR

ATTEST:


CITY CLERK

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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney



Date

6/4/12